	Case 0:08-cv-06195-MJD-JSM Do	Juli	ment 21-2 Filed 12/01/09 Page 1 of
	82		84
1	thing?	1	A. It's difficult, yes. Yes.
2	Q. Post secondary, yes.	2	Q. And what time frame did Mr. Smith not pay your
3	A. No.	3	child support?
4	Q. Where did you graduate from high school?	4	A. Well, he didn't pay he left in November of
5	A. Well, I went to Armstrong. I didn't graduate	5	'07, and then we went to court in December of '07 and he
1	from Armstrong. I got a GED and had it certified through	6	was ordered well, not yeah, I guess he was ordered.
6		7	He was to be paying some child support then and didn't.
7	Armstrong.	8	And didn't start paying child support until May of '08.
8	Q. Who is Sean O'Keefe?	l	Q. So from December '07 to May of '08 you weren't
9	A. I worked with him at Olive Garden and he worked	9	-
10	for me at The Melting Pot, and now he's just a friend of	10	receiving child support?
11	mine. He currently works at Doolittle's.	11	A. No.
12	Q. And Anna Lynch is the person you mentioned	12	Q. And for a portion of that time you were
13	before is your best friend?	13	unemployed?
14	A. Yes.	14	A. Yes.
15	Q. And you worked with her three or four times, one	15	Q. And you were receiving unemployment?
16	of them being Kip's?	16	A. Yes. It started I think the first week of
17	A. Yes, ma'am.	17	February.
18	Q. What other places have you worked?	18	Q. What was Mr. Smith doing as a job?
19	A. The Olive Garden, Melting Pot.	19	A. He was at Resources and Food and Food Team.
20	Q. Kip's?	20	Q. The company that you had used to find a job?
21	A. And Kip's.	21	A. Yeah. That's how I got him the job. I actually
22	Q. And Beth is that an N?	22	got him the position there.
23	A. Svedich.	23	Q. Okay. Do you see under the Acknowledgment in
24	Q. So it's S-V-E-D-I-C-H?	24	the bottom third of this document, it says, "I certify
25	A. Yes.	25	that the statements I have made on this application are
		l	
	83		. 85
1		1	
1 2	83		. 85
l l	Q. And how do you know Ms. Svedich?	1	true and correct"?
2	Q. And how do you know Ms. Svedich? A. She's now my sister-in-law, but at the time she was a friend of mine who — she does investments. She	1 2	true and correct"?  A. I see that.
2 3	Q. And how do you know Ms. Svedich?  A. She's now my sister-in-law, but at the time she was a friend of mine who — she does investments. She ended up marrying my brother so kind of introduced her.	1 2 3	true and correct"?  A. I see that.  Q. And you signed it underneath that
2 3 4	Q. And how do you know Ms. Svedich? A. She's now my sister-in-law, but at the time she was a friend of mine who — she does investments. She	1 2 3 4	true and correct"?  A. I see that.  Q. And you signed it underneath that Acknowledgment?
2 3 4 5	Q. And how do you know Ms. Svedich? A. She's now my sister-in-law, but at the time she was a friend of mine who — she does investments. She ended up marrying my brother so kind of introduced her. Q. How was she a professional reference for you? A. She — well, she did some investments and was	1 2 3 4 5	true and correct"?  A. I see that. Q. And you signed it underneath that Acknowledgment? A. Yes.
2 3 4 5 6	Q. And how do you know Ms. Svedich? A. She's now my sister-in-law, but at the time she was a friend of mine who — she does investments. She ended up marrying my brother so kind of introduced her. Q. How was she a professional reference for you? A. She — well, she did some investments and was talking to me about investments, 401K, the best things to	1 2 3 4 5	true and correct"?  A. I see that.  Q. And you signed it underneath that Acknowledgment?  A. Yes.  Q. And you understand that the dates on the first
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86 88 1 A. Yes. there was a time - what was his name? I don't recall. 2 I don't recall. 2 Q. And what did that involve? 3 3 A. To oversee the restaurant and the staff, so Q. Can you remember by how many months it was after financially, and then also be responsible for our guests 4 you started? within the Hilton. 5 5 A. Eight. 6 So, I mean, it's big. It's a really big, 6 Q. Was his name John Anderson? 7 7 lengthy job. I have to make sure there's guest A. That's it. Yes. Thank you. 8 Q. Besides not doing his job well do you have any 8 satisfaction, that our SALT scores are there, meeting the 9 other complaints about Mr. Anderson? 9 fiscal responsibilities, that our staff are trained, that 10 I work within our guidelines of the union. 10 A. He just wasn't -- he wasn't making sure that our O. Was it a stressful job? 11 food was safe. Temperatures need to be taken, food needs 11 12 12 A. Yeah, there were times. It's a big hotel. to be held at proper temps, food can't be brought in and 13 purchased, they need to be labeled and dated at all 13 Q. Stressful that caused you depression-like 14 symptoms? 14 times. It's extremely important because you're serving 15 A. Well, certainly not in the beginning. 15 people and it could kill them, and he wasn't doing it. I 16 Q. When did the stress begin to be so much that it 16 can guarantee that. 17 Q. Anything else in the first year of your 17 caused depression-like symptoms? A. Well, we got -- probably -- probably when we had 18 employment that caused you additional stress? 18 19 19 this -- what was his name? We brought a chef in. We A. You know, other than the normal day-to-day didn't have a chef when we first started, for the 20 stress, from huge groups, you know, we do huge groups in 20 21 21 restaurant. But that wasn't stressful. That was fine. there, from Ekincar (phonetic) to Creative Memories to 22 But then they brought in this man, and that created a lot 22 any of those - those are huge groups that come hard, 23 come fast, and there's a lot of them. But that's normal 23 24 Q. Do you remember his name? 24 25 25 A. I'm thinking of it. No, I don't recall. He Q. Okay. And you understood, if you look at the 87 89 1 wasn't there very long. He just wasn't very - in my 1 last page of Exhibit 4, that your employment was at-will? 2 opinion, he wasn't really good at his position and he 2 3 caused a lot of difficulty on the floor with our patrons Q. Did you have any questions about the at-will and our staff, which I think is ultimately why he is no 4 status of your employment? 4 5 5 longer there. A. I don't think I totally know what at-will means. 6 Q. If you remember his name can you let me know? 6 I know that if an employer hires you at-will and you work 7 at-will, so for whatever reasons, really you could be 7 8 terminated if they don't like your hair color, although 8 Q. And what about his employment caused you 9 people don't do that. But I believe that's what it comes 9 additional stress? 10 10 A. The fact that we would put in our tickets so down to. It's a mutual choice on each end. 11 when people order food you have to ring it in and then it 11 Q. How did you like your job at the Hilton? 12 12 prints into the kitchen into the appropriate area, saute A. I liked it. It was strange at first because it 13 area, grill area and salad area. But tickets would take 13 was one of those jobs that I walked into and I worked I an hour or steaks would come out well done that are 14 think about two or three hours with Jim, and then I was 14 15 supposed to be medium rare, and you bring it back in and 15 given keys. And being a p.m. manager meant that, you 16 know, versus during the day when there's a lot of the 16 they do it again wrong and then again wrong. That's 17 executive committee there and a lot of other people in 17 really stressful. 18 And as part of my job responsibility I'm 18 the building, you are alone and you are -- you're on. So 19 fiscally responsible for this establishment, so buying 19 whatever is going on, it's you. table after table food is not the way to go. And trying 20 The chef, they generally go home earlier and 2.0 21 to make sure everyone leaves 100 percent happy was my 21 that type of thing, so if room service gets busy it's 22 you. If they've cut the kitchen and they need help, 22 job. I was very good at that. 23 you're cooking. It's, you know, but I enjoy that. I 23 Q. Do you know when this chef started?

kind of thrive off of that. I do. I've been in the

business quite some time so...

24

24

25

A. I'm going to say it was fall. No. It had to

have been like spring, I think, spring of '07. I know

	90		92	
1	O Ol N	1	O. Did you feel comfortable in your knowledge about	1
1	Q. Okay. Now, when you started your employment	2	the Hilton Minneapolis's Harassment-Free Workplace	
2	with the Hilton did you have any training?	3	Policy?	l
3	A. We have tons of training within the Hilton, so	4	A. Yes, I did.	1
4	other than the quick little here's the restaurant part,	5	Q. Did you ever refer to it during your employment?	١
5	obviously, the Hilton is a really big company and a big	6	A. Yeah, actually, I did, but more in the union	
6	entity, and they take a lot of pride.	7	manual, in dealing with a situation with some employees.	
7	And I enjoyed a lot of our training, from	8	Q. Okay. Tell me about that situation.	1
8	leadership training to, you know, giving constructive	9	A. There was a line cook. Well, all the line	1
9	feedback to all the different types of training that the	10	cooks, one of them came to me and was extremely upset and	1
10	Hilton has, even how to handle your bank and banks get	11	said that two of the individuals were harassing him	
11	audited, those types of things. There's training on	12	because he was homosexual, and were making gestures with	١
12	every avenue, webinars. They do an entire eight-hour	13	one bent over a counter and just saying inappropriate	
13	orientation for you the first day.	14	things.	
14	Q. As a part of your orientation did you learn	15	Q. What did you do with it?	١
15	about Hilton's harassment policy?	16	A. Heather, who was the head of room service, who	١
16	A. Yes.	17	is actually above me in position, I think it's considered	1
17	(Smith Deposition Exhibit 5 marked for identification by the Court Reporter.)	18	the director. I think so. Anyway, I called her. She	
18	Q. (By Ms. Bischoff) I'm handing you Exhibit or	19	had just left. So I had called her and said can you come	1
19	you're getting Exhibit No. 5. Can you please take a look	20	back because this is — this is a big deal.	1
20	at it. Look at the second page as well.	21	And it's night so it's not as if if HR was	
21 22	A. All right. All right.	22	there I would have definitely always gone through HR but	1
23	Q. Now, do you see that on the first page of	23	I needed guidance and she'd worked for the Hilton for	į
24	Exhibit 5 you signed acknowledgment of this	24	some time.	
25	Harassment-Free Workplace Policy on April 4, 2006?	25	So Heather came back and Heather and I got	١
	91	<del>                                     </del>	93	1
	91			
1	A. That's correct.	1	statements and wrote statements and had him write a	)
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94 96 1 A. I guess so, yeah. 1 I usually at that time too - we have a - we 2 Q. Okay. Then the second page of Exhibit 5, it has 2 get -- Heather and I created this daily -- a logbook is Roman numerals. And the first has a Policy and the 3 what it's called, so each area, it's all in one. It's a second says Allegations and Penalty. 4 snapshot of everything that goes on in a day from how 5 A. Yes. 5 many covers we may have done to sales to any special to anything incidental that may have happened that evening, 6 Q. Do you see there in that first sentence, second 6 7 line, says, "Hilton encourages and expects you to notify 7 the shift, the weather, kind of groups that are in-house. immediately your supervisor, your department head, or the 8 So go and get some of that set up. I put some 9 Director of Human Resources. 9 of my specials in there, that kind of thing. If I knew I 10 A. Yes. 10 was out of something, make sure that's listed on the 11 Q. Now, in this case you went to a department head? 11 board, those type of deals. 12 A. I did. And then we notified -12 Usually about that time is when my staff is 13 Q. -- HR? 13 coming in. If I have to set up for any big parties or 1.4 A. HR. 14 anything like that, I'm doing it. We also have happy hour in the bar, which I 15 Q. Okay. So you knew that you needed to 15 16 immediately notify someone? 16 helped to institute. So I go up there and make sure that 17 A. Yes. 1.7 we were stocked, that they were fine, that they weren't 18 Q. Tell me what you did as the p.m. restaurant 18 overbusy. If they were I'd be up there helping them. 19 And our guests take precedence over anything lounge supervisor. 19 20 A. Like would you like me to tell you a breakdown 2.0 I've just mentioned so if it means I don't get my bank 21 of - from come in or... 21 until 5 o'clock, I don't get my bank until 5:00. I'm 22 Q. Sure. going to make sure our staff is there to help the clients 22 23 A. Start work at 3:00. So come in and you always 23 because when they're there you've got to help them. So 24 touch base within the office with whoever has been 24 if we get busy, that's where you go. 25 working day, touch base with that person, because -- I 25 Q. You said you helped to institute happy hour. 95 97 1 call it the handing off of the baton, but it's basically 1 What does that mean? 2 that. You've got to know what's going on. 2 A. It was one of my ideas. I had to really sell 3 Check reservations. Go get my bank out of the 3 Victor on this. Victor was the F&B director. 4 lock boxes. And then usually I get my drawer ready for 4 Q. F&B means food and beverage? 5 out front, because there's - the host stand has a money 5 A. Food and beverage, yes. He's director of the 6 drawer and it's my bank, the Hilton's money but I'm 6 food and beverage. And he and I met about it several 7 times. And we said there's no one doing happy hour at responsible for the money there, and that's what we use 7 8 to make change for guests and such. So I put that out. 8 this end of town. If we can come up with a way to do the 9 I would lay out my floor plan for the night, I 9 free food and not reduce the drinks, because you make all 10 would write my folks in their sections up on a board in the money off drinks, and it's true, we make a lot of 10 11 11 money off of alcohol, maybe we could draw in on some of 12 Q. Hold on. Your folks? 12 the business that's around us. Target, for instance, is always going to The 13 A. I'm sorry. The staff. 13 14 Q. Okay. And who comprises staff? 14 Local or The News Room. Maybe we could draw them down 15 A. The servers, the wait staff, and also the wait 15 16 assistants. So I put the wait staff into their sections 16 So we as a team of people then started working 17 and I assign wait assistants to them. So all of that's 17 and we instituted happy hour. I believe it still happens 18 written out on the board in the back so they know you're 18 19 in section 1 and so-and-so is working for you tonight. 19 Q. Were you ever on a probationary period during 20 I get any information I need to from whichever 20 your employment with Hilton? 21 chef, assistant chef, whoever is working, sous chef. I 21 A. Yes, I was placed on one. 22 get the information on the specials of the evening. 22 Q. When? Usually decide on a wine to pair with that, type it up, 23 23 A. September of '07. I mean, when you hire too

you're probationary so, to be honest with you, I'll

answer that way as well. I do believe it's 90 days or

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and get the special boards ready because we have special

menus, so I go type those up.

	Case 0.08-cv-06195-WJD-JSW DC	<u>,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</u>	nent 21-2 Filed 12/01/09 Page 5.0	ነ '
	98		100	
1	such probationary in the beginning.	1	Salamone?	T
2	Q. Do you ever get performance reviews?	2	A. Correct.	
3	A. Yes.	3	Q. So ZeZe is also reporting up that same line?	
4	Q. And when did you get them?	4	A. Yes. Absolutely. I know that for sure.	
5	A. Right after I first started I think we did one	5	Q. Okay. And who were the other team managers in	
6	on 90 or 60. I know we did one immediately there after I	6	the food and beverage department?	
7	started, and then they do one yearly. So I know that	7	A. Not in SkyWater because that's SkyWater, then	ı
8	I — I think I received three total, but for sure two.	8	there would be Heather Huggins in room service. There	
9	(Smith Deposition Exhibit 6 marked for	9	was another manager over there, though. Oh. Sunny. I	
10	identification by the Court Reporter.)	10	don't remember her last name either. Sunny maybe. Sunny	ı
11	Q. (By Ms. Bischoff) Ms. Smith, can you please	11	was an assistant manager in room dining, dining room	
12	take a look at Exhibit 6?	12	service.	
13	A. All right. All right.	13	And then in the beverage department when I first	
14	Q. Do you recognize this document?	14	started, Kim Thompson is the director, beverage director,	ŀ
15	A. Yes.	15	so she basically oversees the bar down in SkyWater as	l
16	Q. What is it?	16	well as all the banquets. And then under her at that	1
17	A. It's a performance review given to me.	17	time was Nakeela. And then after that I think it was	
18	Q. Does the date of November 3, 2006 sound accurate	18	Mo was there. Mo Hassan. And then I don't remember if	
19	to you?	19	there was anybody else.	
20	A. Yes.	20	But then David Bullerman. And David had always	
21	Q. Who reviewed your performance?	21	kind of well, David Bullerman worked with us in	ı
22	A. Jim Vennewitz.	22	SkyWater too as a supervisor before he went over to the	ļ
	Q. And what was Mr. Vennewitz's position?	23	beverage.	Ì
23	A. He's the assistant food and beverage director	24	Q. Nakeela Wright, is that it?	
24	for the Hilton.	25	A. Yeah, I believe that's her last name.	١
23	for the finton.			$\dashv$
	99		101	
1	Q. He reports in to Victor?	1	Q. And what were her and Mo Hassan's positions, do	
2	A. Yes.	2	you remember?	-
3	Q. Victor Salamone, I should say?	3	A. To assist Kim, which would ultimately then mean	
4	A. Yes.	4	then to run the bar in SkyWater as well as any of the	1
5	Q. Does anyone else report in to Mr. Vennewitz?	5	banquet functions. So they have ultimate responsibility	1
6	A. Well, ZeZe. ZeZe was the a.m. manager for	6	of the money, the financial, you know, setting up the	
7	SkyWater.	7	bars, the staff that were working, scheduling, that type	
8	Q. What is ZeZe's last name?	8	of thing.	
9	A. It's like Zenab (phonetic) or something. I	9	Q. But you only handled the restaurant?	١
10	know, I'm sorry. And I don't even think ZeZe is her real	10	A. Well, in the beginning I really only ran the	١
11	name. No. It's like arf it starts with an A, her	11	restaurant like solely and then would help in the bar	
12	last name, and her first name is like Zenab. I'm really	12	once in a while. I didn't spend a ton of time up in the	
13	bad with names like that.	13	lounge.	1
14	Q. ZeZe was the a.m. manager?	14	But then after like the first year that I was	
15	A. Correct.	15	well, maybe like a year prior to it, I started getting	
16	Q. And you were the p.m. manager?	16	more and more involved in the lounge, meaning I spent	
17	A. Correct. So the both of us did for absolute	17	more time in that area. And near the end I spent a lot	١
18	sure now, I'm not sure how it really breaks down	18	of time in that area.	-
19	politically with the rest of everyone, because Jim works	19	Q. Did you like it?	-
20		20	A. At times.	
21		21	Q. What do you mean at times?	
22		22	A. When it's crazy busy it's really crazy busy. It	ļ
23		23	just is. When 1,000 people come over that skyway at the	
24		24	convention center and they want to have a drink in the	
25	Q. And Jim Vennewitz is reporting in to Victor	25	bar like it is in your basement, because I swear it's no	

	102		104
1	bigger than this, it's kind of crazy. And people aren't	1	Q. Who told you?
2	happy when they have to wait so long.	2	A. One of the cocktail people, I believe.
3	One thing about the Hilton is we're good about	3	Q. Who?
4	finding out where we screwed up and doing better along	4	A. I think it was Robin.
5	the road. So we have repetitive groups, and we would do	5	Q. What did Robin tell you?
6	better with them the next time out, setting up more bars,	6	A. That Kim and Harley had a relationship that went
7	having more staff.	7	way deeper than work.
8	Q. If you could have chosen, would you have picked	8	Q. And you took that to mean sexual relationship?
9	supervising the lounge?	9	A. Yes. Then she said that there was hanky-panky
10	A. Yes and no. Let me answer it that way. Yes,	10	that went on, which then that to me, I assumed that's
11	because I enjoy the staff, I enjoy the fast pace. I'm	11	what that meant, so I made the assumption.
12	gifted and good at what I do, but no because I ultimately	12	Q. Did you hear it from anyone else?
13	didn't have a real say of anyone in there. I wasn't	13	A. Not that I can recall, no.
14	scheduling them, I didn't have a say over their	14	Q. So you hear this rumor from Robin and you turn
15	schedules. I often thought that the schedules were	15	around and talk to Tom Henry about it?
16	incorrect and we weren't staffed properly.	16	A. Not right away but, yes, eventually I did say
17	Q. Who did the staffing?	17	it. At first I just sat there going wow and not doing
18	A. Either David or Kim or, you know, I'm not sure	18	anything and wasn't, you know. And then after some time
19	if it was her assistant beverage managers or her herself.	19	I told ZeZe, I had said to ZeZe in our office, and then
20	I know she had final sign off so it would be one of her	20	some time later I told Tom.
21	assistants but I'm not sure.	21	Q. Why did you or who was Tom Henry?
22	Q. Did you get along with Kim?	22	A. Well, Tom, he was like a line cook to begin with
23	A. In the beginning, yes, I certainly did.	23	and then he was promoted into a supervisor or assistant
24	Q. When did things change?	24	sous chef position. So he was like a he was a
25	A. I don't know. I always felt uncomfortable and	25	manager. I mean, he did manager functions but with the
	103		10.5
			105
1	uneasy around Kim, and I'm not sure why.	1	kitchen staff.
1 2	Q. Did you ever talk with other people about Kim?	1 2	kitchen staff.  Q. Was he your equal or subordinate?
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106 O. How did you determine when last call was? 1 A. I had been out for drinks with staff before. 1 2 A. It's dictated by business levels, so -2 O. Who? A. I went out with David before and - let's see. 3 Q. What does that mean? 3 A. Okay, I'm sorry. Say there's five people in 4 And Robin and Kristin, April. I went out one time the bar and there's been five people in the bar for well gosh, it was like all the bar staff. David was there. 5 over an hour, the kitchen is closed, there's only five No. David wasn't there. He was still at the hotel. 6 people in the bar, no one else is coming in, or something April was there. Kristin Erdmann from HR was there. 7 like that. I mean, even with five we'd probably stay Kristin Lessard was there. April was there. I know open as long as they were drinking. there was some banquet bartenders but I don't really know 9 them. I know at that - who else was there? There was 10 But if they were done and they closed all their 10 11 tabs and nobody's got open tabs and we were sitting there some other -- yeah, there was a bunch of bartender men 11 12 open, we would probably make the call to close at 1:00, there, but I don't know all their names. One of them is 12 so meaning at 12:30 we're going to start to do last call. 13 Arlo. Everyone calls him Arlo. 13 If someone came in we'd say hey, we just did last call 14 Q. Anyone else? Okay. So Robin Kelly is a 14 but we can get you a drink if that's okay, and that's 15 15 cocktail waitress, right? 16 what we would do. 16 A. Robin? Q. When you say "we" who would make that decision? 17 17 O. Yeah, I'm sorry. Robin. A. Well, I make the ultimate decision as a manager, 18 18 A. Yes. but that's something that, you know, I'm discussing with O. How many times did you go out for drinks with 19 19 our staff, okay, because I need to know. I need to know 20 20 cocktail waitresses? 21 how many tabs we have open, I need to be able to look A. Maybe three or four times or so. 21 into that system, I need to, you know, I'm communicating 22 22 Q. Okay. with the staff on what it is that I'm thinking and what 23 A. And the last one with all those people wasn't 23 actually going out with them. I went somewhere with a 24 24 25 O. Okay. And how many times do you make the friend of mine and they were all there and said sit down, 25 109 107 decision to make last call before 1 o'clock? 1 1 SO... A. A handful. I mean, I don't know. Probably 100 Q. Okay. What were your hours as a p.m.? 2 because it's done by business levels. You don't close A. Well, I came in at 3:00 and closed the 3 the bar with 20 people in it, you know. restaurant, and I would stay until business levels --4 4 5 Q. Um-hum. there was a time when we stayed until business levels, 5 meaning once we do last call -- well, in the beginning, 6 A. You just don't. 6 Q. So you were experienced enough to know when to like I said, I wasn't doing the lounge at the same level 7 7 8 close the bar? I was near the end so in the beginning I would probably 9 A. Absolutely. be done - depends on the day, midnight, 12:30, maybe 9 10 Q. Okay. And did you ever have to consult with 1:00 kind of thing. 10 11 other people when to close the bar? 11 Q. Okay. And --A. Yes, almost always, because you want to make an A. But there are days you're there until 2:30 so... 12 12 educated decision because upstairs in that building you 13 Q. When you started taking more and more 13 responsibility in the lounge what would your hours have an entire banquet floor. So you have to make sure 14 14 you're mindful of the fact of when do bars stop up there, 15 15 become? 16 what might they do, are they staying in our building, are A. More of the 1:00, 1:30 kind of genre. 16 they going to potentially come down and kill us in this Q. And when you said business levels, what does 17 17 bar, do we need - should we stay open, do we close? We 18 18 that mean? A. It means once - what Victor had instituted for 19 don't close to avoid them. We need to know. 19 Or are their bars going to late enough level, 20 us, and this happened over time, it was kind of a 20 they've drank enough. So almost always I would confer creation, was once last call was done, then I would be 21 21 22 with - almost always I would say, unless there was no free to go as a manager because what was left to do was 22 23 events, I'm talking to the beverage staff, meaning David the bartender brings down the thing, they do their own

28 (Pages 106 to 109)

done so...

drops, the staff just clean up the lounge. Last call is

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or Kim or Nakeela or whoever was in that position.

O. Who was on that night?

110 112 1 A. Correct. problems, but at times problems can consume her? 2 2 Q. And do you know -- I mean, when you walk in and you're passing the baton, do you know what banquets are 3 Q. Is that a fair assessment of your performance at going on upstairs? 4 that time in November of 2006? 5 A. Sometimes. Not always. But before the night 5 A. Yes. But problems being business levels, but gets really rocking, yes, I'm touching base with people yes. 6 7 and talking. 7 Q. What do you mean "problems being business 8 Q. When you touch base with them and talk, do you 8 levels"? A. It's - well, it's a lot - you need a pair of 9 find out when the bars upstairs close? 9 10 A. Sometimes right then or, you know, because hosts 10 skates sometimes in there. Your restaurant can be busy 11 will extend bars as well so even though you may have that 11 and everybody needs a swipe over here and the lounge is 12 little tidbit of information, that doesn't always mean it 12 getting busy and the cooks are having trouble, or they 13 ends up that way near midnight. 13 cut and they didn't have enough. That used to happen a 14 So that's why -- we have Nextel phones that we 14 lot. Or people in interim dining would have an angry 15 guest, so I'm one person trying to go into all these use and ZeZe would have it during the day and I would get 15 16 handed that. It's a really great way to contact them. 16 areas and crisis manage everything. 17 Trying to run around on floors and find people in a giant 17 Q. Okay. So when you would go out with staff, 18 space like that, it's silly, so I would touch base then 18 including Robin, Kristin and April, where would you go? 19 through Nextel. 19 A. Usually just The Local. It's just around the 20 Q. Were there ever times when you made the decision 20 21 to close the bar by yourself without conferring? 21 Q. And does The Local stay open later than 22 A. When there was banquets, you mean? 22 SkyWater? 23 23 A. They're open until 2:00. The restaurant itself 24 24 A. Yeah, but that's only because I knew that there isn't open until 2:00. The restaurant closes earlier 25 wasn't bars, you know what I mean? And I knew for sure 25 than that. 111 113 - and I'd see the big funnel of people coming down the 1 1 Q. What time? 2 escalators and heading out the door so it's easy to make 2 A. 10 o'clock or 11:00, depends on the day. 3 that call, okay, this banquet is going to let out, 3 Q. And how long does the lounge stay open? 4 4 because it's always how I would decide when to cut as A. Until - we're open until 1:00 but we can stay 5 well. No, you guys are not getting cut until this 5 open until 2:00. We don't stay open until 2:00 every б 6 day. Again that would be dictated by business levels. banquet lets out. And then they let out and you see them 7 7 come down, are they coming in or are they going outside. Q. Okay. And so when the SkyWater lounge would 8 You don't know what people are going to do. They don't 8 close at 1 o'clock, you could go out for drinks with the 9 give you an agenda. So that's kind of how I would make 9 staff then? 10 that decision. 10 A. And it wasn't always necessarily one of those 11 Q. Now, looking at Exhibit 6 would you say this was 11 oh, let's plan it out and hang out, because I didn't consider these people like my girlfriends or something 12 a fair review? 12 13 A. Absolutely. 13 along that line. It was just more it's the end of the Q. It says you're doing - you have some good 14 14 night, and that's usually when something like that would 15 15 solutions, problems, but sometimes the problems can come up, or we're going there or I would go on my own to 16 consume her, on page 3 of the review, Bates stamped 0034. go have a beer because running home every day wasn't 16 17 A. Um-hum. 17 always my favorite thing to do. 18 Q. Do you see that? 18 Q. Okay. 19 A. Which one is this now? 19 A. So ... 20 Q. Looking at Problem Solving you're given a 2, 20 Q. So the bar would close and you would go to The which is below standards, and the comment is, "Debbie has 21 Local? 22 good solutions to problems..." 22 A. Yes. I did that on occasion, yes.

29 (Pages 110 to 113)

Q. On occasion or the three to four times you

A. Well, with them, yes. And then I also have

already testified about?

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25

A. I'm sorry. I must be one back. You don't mean

actual page 3? Right here, this page 3? Never mind.

Q. You see that where it says good solutions to

114

friends -- a friend of mine that lives downtown. So if you're asking me overall, did you ever go to The Local,

did I go to The Local, yeah. 3

4

5

11

Q. Okay. Did you find it to be a concern that you were socializing with line staff?

A. Well, no. Now probably in retrospect it's probably -- I don't know. It wasn't like we were talking 7 about work. It wasn't any of that. It was have a beer and relax and it was maybe a half hour, 20 minute kind of 9

10 deal and that was it.

Q. Well, you had been criticized before at Kip's 12 for fraternizing with staff.

A. Correct. But that was from John who was 13 obviously 100 percent not my favorite person. He didn't 14 love me. And none of this was an issue. I had been 15

going out with this staff since I arrived on that 16

property, and when I successfully opened up that 17 restaurant for that man, when I had to hand that over, so

19 it was something that only came up. Why was nothing

brought up in April, May, June, July, ever? 20

Q. Well, do you feel as a manager that it can be 21 difficult to discipline staff that you supervise? 22

A. That I know it can be. It is not for me. 23

Q. Well, if you're taking smoke breaks with them 24 and going out for drinks with them, is it still difficult 25

O. Okay. But so in addition to going to The Local

with them on occasion, you also would see them on smoke

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13

A. They've been out one or two times. I actually 4

took more smoke breaks probably with David and Heather 5

than anybody so ...

Q. And you were told again by John Cosgrove at 7

Kip's that you were taking excessive smoke breaks, right?

A. That's what he said. That is untrue.

Q. Okay. So the criticisms that Mr. Cosgrove gave

you were unfounded and just out to get you? 11

12 A. That is my belief, yes.

O. They weren't ever valid concerns?

A. No. 14

Q. So if there was a concern that you were 15

fraternizing with staff too much at the Hilton, that

would be unfounded as well? 17

A. I would say yes. I understand why you should 18 not, and I understand the policy, which is why I said 19

absolutely not. If you guys are there, I'm leaving. 20

Q. Okay. Explain to me the policy that you 21 22 testified you understand.

A. That I understand, I couldn't tell you a written 23

one. I would assume there is one. There must be. That 24

117

you don't fraternize with people because of the very

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7

9

19

for you to discipline them?

A. No. No, it is not.

O. Do you find you still have the same amount of 3

4 credibility?

2

5

A. I've never had a problem with it, no.

Q. And you do smoke, right? 6

7 A. I smoke.

Q. So you take smoke breaks every once in a while? 8

9 A. Yes.

Q. And when you took smoke breaks were some staff 10

taking smoke breaks at the same time? 11

A. Yes, there could be people from laundry down 12 there. There's a designated smoking area. I generally 13

would go with the in-room dining managers. 14

Q. Okay. And that would be Heather Huggins or 15

Gretchen Jorgenson? 16

A. Correct.

Q. And did you ever have a smoke with Kristin 18

19

17

20 A. Yeah. She doesn't smoke. Sometimes she would

come out and get some air, yeah. She doesn't smoke. 21

Q. And April Bezdichek? 22

23 A. Again doesn't smoke, but yes.

24 Q. Robin Kelly?

A. No. I never had -- Robin never came outside. 25

things you just mentioned. It can be difficult for

probably most people to go ahead then and have to come

back and discipline someone or have to write someone up

or have a conversation about maybe being inappropriate

with a guest or not handling their cash properly. I do

not have a problem with that, but I know that that is why

something like that would exist.

Q. So because you didn't have a problem with the

items that support the reason for the policy, you didn't

10 follow the policy?

A. I -- no, I wouldn't say that. I would not say 11

that because I did not originally go out there to go hang

out with the staff for any reason. David was going and 13

Kim had gone and other people, you know what I mean. And 14

Jim -- other people went out with the staff so it seemed 15

16 like it was all right to do.

17 Q. Well -

A. Based on what my boss and my other co-managers 18

Q. Come on, Ms. Smith. If your son's friends are 20

out doing something that they shouldn't be doing, it's 21

22 not okay for your son to be doing it, right?

A. Correct. 23

Q. So if other people are violating the policy, why 24

would it be okay for you to violate the policy?

30 (Pages 114 to 117)

	118	1	120
1	A. It isn't. It's not okay.	١.	
2	Q. Okay. But you understand that the Hilton didn't	1 2	understanding that, I'm telling you, I was still learning
3	necessarily want you fraternizing with staff?	3	even to the very end. It's something you've got to be
4	A. Yes.	4	very, very careful about everything you do, and it always
5	Q. But you did?	1	felt like the staff had you under the microscope versus
6	A. Yes. I just testified to that. Yes. Yes.	5	your bosses, which was the oddest feeling for me. I
7	MS. BISCHOFF: Let's do one more exhibit.	6	don't know that I was saying negative things about that,
8		7	but I know I felt that.
9	(Smith Deposition Exhibit 7 marked for	8	Q. Okay.
	identification by the Court Reporter.)	9	A. And that's what we refer to when we say on my
10	Q. (By Ms. Bischoff) Ms. Smith, can you take a	10	sleeve.
11	look at Exhibit 7?	11	Q. Okay. The next page at 0027 of Exhibit 7,
12	A. Sure. All right.	12	there's a comment here in the Policies and Procedures at
13	Q. Ms. Smith, have you ever seen this document	13	the bottom that says, "Be certain to fill out all
14	before?	14	corrective action properly."
15	A. I have seen this.	15	A. Yes.
16	Q. And what is it?	16	Q. Is that referring to the union issue, making
17	A. It is my performance review the year of '07.	17	sure you want to be careful?
18	Q. And Mr. Vennewitz completed this review for you?	18	A. Yes.
19	A. That is correct.	19	Q. You worked in union facilities before, the
20	Q. And I'm going to go through some of the	20	Canteen?
21	comments. If you look at the Bates label 0026.	21	A. I did. And it was it was such a different
22	A. Sure. Yes.	22	environment. It just I don't know. I have canteen
23	Q. Okay. Do you see here we're talking about	23	union employees who were part of that union and then
24	loyalty?	24	there were school union employees, and that was a lot
25	A. Yes.	25	simpler just because it was all based on seniority, and
	119	T	
1		1	121
1	Q. One of your strengths is you putting the guests	1	
1 2		1 2	their seniority took precedence over Canteen seniority.
	Q. One of your strengths is you putting the guests	1	their seniority took precedence over Canteen seniority.  I mean, really, they worked the same schedules.
2	<ul><li>Q. One of your strengths is you putting the guests first?</li><li>A. Yes.</li></ul>	2	their seniority took precedence over Canteen seniority.  I mean, really, they worked the same schedules.  It's not the same thing because it's not a restaurant,
2 3	Q. One of your strengths is you putting the guests first?	2 3	their seniority took precedence over Canteen seniority.  I mean, really, they worked the same schedules.  It's not the same thing because it's not a restaurant, you know. And it's not a hidden variable like that. We
2 3 4	<ul><li>Q. One of your strengths is you putting the guests first?</li><li>A. Yes.</li><li>Q. But it also says, "Try to not talk negatively in</li></ul>	2 3 4	their seniority took precedence over Canteen seniority.  I mean, really, they worked the same schedules.  It's not the same thing because it's not a restaurant, you know. And it's not a hidden variable like that. We served the same amount of kids every day, we make food
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1 I want to do it right. I certainly don't want to cause

- problems and I don't want to upset the employee, but it
- needs to be handled. You can't continually be late, you
- know what I mean, or whatever issue it may be. It needs
- to be handled and addressed, but it needs to be addressed
- in the appropriate manner, so learning that and finding 6
- 7 that out was important to me.
  - O. Who did you consult with in HR?
- A. Well, Kristin or I even had Tracie, who was the 9
- director of HR, Kristin Erdmann I would call or Tracie 10
- Schultz. I even had her cell number so if something 11
- arised, because they're not at night so you're kind of on 12
- your own if something comes up and you need to deal with, 13
- 14 so I would call Jim. Jim had been in the hotel for a
- 1.5 number of years.

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- Heather had worked for the Hilton brand because 16
- she came from a different Hilton property before she was 17
- in the Minneapolis, so she knew. You know, she knows the 18 policy, more about those -- not the policies themselves.
- 20 I don't know how to word that. But it's the union
- because the union has a whole book and you need to follow 21
- it, dot your I's, cross your T's. It's important. 22
- Q. Did you feel HR was helpful? 23
- 24 A. They were.
- 25 Q. And available to you?

- really started to spend more time focusing on the lounge
- and the lounge staff. And I kept because it was hard
- because I didn't feel like my staff because I wasn't
- scheduling them and I wasn't really cutting them, and
- even when I did cut them I'd have to get clearance from
- banquets, you know, from the beverage people.
- 7 Q. Well, is there always someone from beverage in
- the hotel at night?
- A. Pretty much, yeah. As long as -- well, either
- David or Kim because there's almost always an event going 10
- on. And if there wasn't, everybody is working said 11
- shifts in a week. We all work at least five shifts per 12
- 13 week.

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- So even if there wasn't, which generally Sundays are quietest, or holiday times can be very, very quiet in
- the hotel, they'd still need to work the shift and then 16
- they would just be downstairs and David would be okay, 17 I'm going to be upstairs, I'm going to work in the 18
- beverage office and reorganize, what have you, just let 19
- me know if you need me and I'll come down. They 20
- 21 generally were available that way.
  - Q. Now, it says, "Don't refer to the bar staff as
- 'they' and be more proactive in leading them." Do you 23
- 24 see that?
- 25 A. Yes.

123

- A. As much as they could be. I worked at night,
- again, so Tracie tried to be, and it was nice. 2
- Q. Okay. If you look on 0028 of Exhibit 7, I'm 3
- looking at Initiative. It says, "Debbie takes plenty of 4
- initiative in the restaurant but has shown little to no
- 6 interest in the lounge."
- A. Yes. That's when the whole thing started 7
- 8 shifting.
- O. "Interest" is spelled wrong but we won't hold 9
- 10 that against them. Is that true?
- 11 A. To a certain degree it is. As I referred to
- earlier, when I started, my main focus was the restaurant 12
- 13 and I went to the lounge when I needed to go to the
- lounge, and I worked up in the lounge and assisted that 14
- staff and did that. But I didn't spend a ton of time up 15
- 16 in that lounge part.
- Become when I first started the assistant 17
- beverage manager would spend more time there, especially 18
- during peak periods of time. So I would help and I would 19
- run all their food type of thing, because that would be a 20
- huge help, actually, but I didn't spend tons and tons of 21
- time. I wasn't making cutting decisions of when they 22
- would -- none of it. I just wasn't. 23
- And so around this time, basically yeah, 24
- right around this time and just shortly before is when I

- 1 Q. Is that true?
  - A. That's what I just was alluding to a moment ago

125

- when I said it was hard to consider them to be my staff
- because I would say a lot of "us" always when I worked
- with the SkyWater restaurant staff, and it was just --5
- it's something that definitely evolved over time. So I
- got better in the end, but that's what that means. 7
- Q. Okay. And then the next page is a page where 8
- 9 you put comments?
  - A. Yes.
- Q. You say you enjoy working at the Hilton? 11
  - A. Um-hum.
- Q. You're committed to working on your weaknesses? 13
  - A. Yes.
- 15 Q. If you look on 0031, again this is your
- signature on this page? 16
  - A. Yes, that's correct.
- O. And in No. 4 up here on Next Year's Business 18
- Objectives, it says increase manager accountability? 19
- 20 A. Yes.
  - Q. Do you know what that meant or referred to?
- 22 A. Well, every single one of us managers had to
- have that included in this, actually. So -- and then it 23
- goes on to describe what it is by reducing our turnover 24
- and that's what it is, is we all as managers need to be 25

32 (Pages 122 to 125)

126 128 1 accountable. 1 A. Well, we have weekly meetings, F&B does. So 2 O. Okav. throughout that process, several things had to take place 3 A. You don't blame, you don't point. It's all of on our level in our restaurant or mostly involving the lounge itself. From the moment of their reception or 4 us or none of us. 5 MS. BISCHOFF: Let's take lunch. Do an 5 when they arrived at the hotel from, you know, the foods that we created and the special drinks and we had dry ice 6 6 hour. 7 (Recess taken between 12:05 p.m. and 12:56 p.m.) 7 and all kinds of - it was really cool because everybody 8 8 Q. (By Ms. Bischoff) So, Ms. Smith, you remember was dressed up like mad scientists, so I was involved in 9 two prescriptions that you take? 9 part of all of that. 10 A. Yes. Two medications, yes. One is ProAir and 10 I also helped with in-room dining quite a bit. 11 She had to come up with amenity packages, which are 11 the other is Advair. Q. Are these for your allergy/asthma symptoms? 12 things that are left in guest's rooms. It could be food, 12 13 13 drink, gifts, what have you, that are set up and left in A. That is correct, yes. 14 O. I only remember that from the commercials. 14 the rooms. Q. So for in-room dining were you assisting Heather 15 Okay. So, Ms. Smith, so far we've covered your 15 16 employment at Hilton through your two performance 16 Huggins? 17 reviews, and we've talked a little bit about John 17 A. Yes. Some of us - most of it was done with 18 Heather and Victor and sales team, that type of a deal, 18 Anderson causing you some additional stress. Is there 19 any other -- any other incident occurred at the Hilton 19 the really big stuff. But some of the - coming up with 20 20 pre August 15 that caused you any additional stress? Or it and here, let's use a live beta in this glass, and I 21 I should say August 15, 2007. 21 went with her to get some of the fish, yeah, what we were going to do, because we did things that we'd never done 22 A. We've discussed several of the stressful things, 22 23 23 before. the job itself, the fact that I wasn't really sure how to 24 run the lounge for quite some time, that I didn't feel 24 Q. Did you partake in any of the meetings that 25 occurred as part of the director of sales conference? complete ownership of that, that that did create stress 127 129 if my life because it is a stressful thing to have 1 A. Yes. 2 happen. Really other than that, no. 2 Q. As part of the conference itself? 3 3 Q. Okay. Well, let's talk about August 30. A. Not the conference itself, no. I'm sorry. 4 A. Okay. 4 Q. When were those F&B meetings? 5 Q. Will you agree with me August 30 is the date of 5 A. We usually -- we always had a meeting every 6 б Wednesday. And so 90 percent of all that -- because we 7 A. Yes, that is exactly right. 7 were planning it well, you know, months -- a couple 8 O. And that was a Thursday? 8 months out, and fine-tuning as it went along, and 9 9 A. Yes. everybody had assignments and everybody knew what they 10 Q. What events were occurring in the hotel that 10 needed to do. 11 day? 11 Q. What were your assignments? 12 A. We had the Hilton brand directors of sales for 12 A. Well, I was to run the floor, I was going to 13 the states were having their conference and was held in 13 assist with the delivery of these amenities, because we 14 14 our hotel. This was their final day of their conference had deliveries on each day that they were there. 15 was on the 30th of August. 15 And I did - so I would be like a leader on like 16 Q. So does this mean that all the directors of 16 four or five floors and we would go with these amenities 17 17 sales for all Hilton hotels or all Hilton brand hotels and room keys and go in and set it up and drop it. 18 were descending upon the Minneapolis Hilton? 18 Other than that, just making sure that our 19 A. That's correct. 19 service and everything was impeccable, because we also 20 Q. So do you remember how many of them there were? 20 rolled out the new buffet program for the new Hilton in 21 A. I would - I'd make up a number if I told you. 21 our property so this was the first time a lot of them 22 I'm not sure. It was hundreds, I can tell you that. 22 were seeing something that was coming out across the 23 Q. And were you involved in the planning of it? 23 nation, something that happens in every property now, but 24 24 A. Yes. it needed to be right and dead on, spot on. 25 Q. Okay. So you were assisting with delivering the

25

Q. How so?

130 restaurant to watch over the lounge. And I had my phone amenities packages and making sure service in the so they could call me if they needed something. 2 restaurants and lounge were impeccable? Then I went, set up the restaurant like always, 3 3 A. Yes. and then I went to start delivering the new amenities. 4 Q. But that, you know, service in the restaurant 4 We did it in record time or something because I know we lounge was part of what you did every day? 5 were the first group down. But we did all that. And A. Correct. This is just one of those attention to 6 6 then I just carried on with the night. But it was very, 7 details where we - we would do little theme things. 7 very, very slow. Very slow. They would set it up and make it be kind of '60s with 8 9 O. Okay. strobe lights and what have you, so each night they did 9 A. So really we probably had four guests in the 10 some sort of theme throughout our happy hour, which I restaurant all night, regular patrons to dine. I know 11 oversee the happy hour and those kind of things. It 11 that upstairs in the banquet area that they were doing --12 12 was -- it was my normal job with a kick. this was the end and their farewell so they had ended 13 Q. Okay. So when did the conference start? 13 their conference that day and then there was a giant A. I think it was a three-day conference so I think 14 14 party that was scheduled for the directors of sales, and they arrived in -- well, some of them came in on Monday 15 15 that would be up on the banquet floor. and I believe the conference itself began on Tuesday. 16 16 Q. So tell me about the giant party for the 17 Even some I think were arriving Sunday but... 17 directors of sales. O. And what were your hours that way? 18 18 A. Well, as much as I know about it, I wasn't up A. I had regular hours. I started at 3:00. I 19 19 there much, but it was really beautiful. I know it was worked until we closed. And so normally -- I think we 20 20 done in levels, it had these white couches, there was 21 were closing the bar, I think the whole time we were 21 kind of like a Prince-like band up there. It was really 22 there they were closing if they were down and didn't have 22 awesome. That's what we do well. 23 anything else or if they weren't off property, because 23 24 But other than that, I don't really know. I they went off the property. Or if they were there we 24 know they must have had a dinner and then the dance, I were open until 2:00 or if we knew they were coming back 25 25 133 131 think, but I was downstairs. we would stay open until 2:00. Q. Okay. So there are four guests in the O. And the August 30 date was the last day of the 2 restaurant that night? 3 conference? 3 A. (Witness nods head in affirmative.) A. Correct. 4 Q. How many were in the lounge? 5 O. Let's start from the start of your shift on 5 A. You know, off and on we'd have like maybe ten at August 30. Tell me what happened that day. 6 the most earlier in the evening. Near the end of the 7 A. Okay. I came in and did my money as usual, but 7 evening we were down to two. the occupancy in the hotel was down to nothing. I think 8 8 Q. Do you remember who, of anyone who was in there? 9 we were at like eight percent or something. And 9 A. Do you mean -- are you referring to guests or 10 generally we have Orchestra Hall on a Friday night, which 10 creates quite a bit of business for the lounge and for 11 11 Q. Names of guests or people who were sitting in 12 the restaurant. 12 the bar, enjoying the bar, not serving? 13 13 O. I thought we said this was a Thursday night. A. I don't remember their names, no. A. I'm sorry. You're right. I'm thinking Friday. 14

- 14
- 15 O. Okay.
- A. I apologize. So I went and I got my money. I 16
- set up. I went to check in with in-room dining to see 17
- how they were doing because we had been building these 18
- little amenities packages, like we had to do bath salts, 19
- we had to load hundreds and hundreds of these little 20
- boxes, so we were setting up for the next round, and they 21
- were doing the waters, and I said when are we going to go 22
- 23 with this.
- So Heather had told me, come back here so that 24
- she can go, make sure someone is on the floor in the

- Q. Do you remember who Brent Foerster is? 15
- 16

17

19

21

- Q. Was Brent down there?
- A. I think he was earlier in the evening, yes. 18
  - Q. Had you been given any direction as to when the
- 20 bar should close?
  - A. No.
- Q. I thought you testified that you were going 22
- to -- the plan was to keep it open until 3:00 for all --23
- or open until 2:00 for all three nights of the 24
- conference?

134 136 they all came down because they all came down at one time A. Not for all three nights. It was really 1 2 2 dictated on what they did because they went to the 3 Nicollet Island Inn one night and they stayed there until O. Was there any Hilton Minneapolis staff in that 4 group of 35? 5 A. Yes, there was. 5 So it was kind of a we're going to do what we 6 O. Who? need to do based on what their end times were. If they 6 7 A. Well, I know Brent was there, Brent Foerster. I 7 were at the Twins game are they going to come back early 8 or are they going to go somewhere else. So a lot of it think Paul Downing was there but -- I know there was -- I 9 know there was but I don't remember who. It was most of was iffy. We'd keep staff and be ready to go, and if 10 the people from the directors of sales but there was some nothing happened, then nothing happened. 10 11 intermittent folks from our property. 11 Q. How late was the giant Prince-like band or party Q. So what time did you decide to make the cut? 12 12 A. I believe that the band itself was supposed to 13 A. I decided at about 12:35, 12:40 that we should 13 go to 1 o'clock. I don't know the true end time, I mean, 14 probably do last call because there was no one there. 14 15 And I'd been trying to reach people on the Nextel and I 15 of bars or any of that. I was trying to contact people, managers, David 16 had gone up to the banquet level to try to find someone 16 17 to ask them how late is the bar going to go, how long are and Kim, Jim to find out that very thing, when's the end 17 18 you keeping it open, what do you guys anticipate, are 18 time. There's no one down here. I want to cut but we're 19 they going to come down. And I couldn't find anybody 19 just sitting here. 20 Q. Were there pizzas delivered that night? 20 21 Q. Were there bartenders out there? 21 A. There were later in the evening, yes. 22 Q. Who ordered the pizzas? 22 A. No. 23 A. I got the phone numbers, I - I'm not positive. Q. Was the party still going on? 23 24 A. Yes. I asked two banquet staff that I saw, do I know it was someone of the Hilton staff, but I got all 24 25 you know where anybody is, do you know where David is or 25 the phone numbers and brochures for -- but that happened 135 137 anything. I don't know where they are. That's what I 1 1 at 1:30 in the morning. Q. Okay. But so someone ordered pizzas at 1:30 in 2 was told. 2 3 3 the evening or 1:30 a.m., I should say? So I went back downstairs and I said well, it's 4 . ridiculous for us to stand here all night if they're A. Correct. 4 5 going to stay. I don't know. Because they're dancing. 5 Q. Where were they seated? They all looked like they were staying to me. So that's 6 A. At that time they were in the lounge. 6 7 the decision I made. So I said okay, let's make last 7 O. How many of them were there? 8 8 A. Probably 35. 9 Well, then I thought, you know, I'm going to go 9 Q. Were they drinking? 10 up there again and I'm going to go see if I can find 10 A. Yup. Yes, they were. 11 somebody. So about ten to 1:00 I went upstairs again. Q. What time did this group of 35 people get to the 11 12 And this time I saw a security guard and I said hey, do 12 bar? 13 you happen to know where any of the managers are because 13 A. 35, I would say ten after 1:00. 14 Q. So if you, hypothetically, if the bar, you had 14 I can't find anybody and nobody's picking up their made last call at like 12:45 and 35 people showed up at 15 Nextels, because I called Kim and Dave and Jim several 15 16 times and nobody was picking up. 16 the bar, would you reopen it if staff was still there? 17 And that was my question, what do you anticipate 17 A. Yes. 18 18 Q. So with 35 people in the bar drinking, the from these folks, do you think they'll be coming down, business levels were high enough to keep the bar open? 19 because we'll gladly stay open. Because we'd been 19 20 standing around all night long really, 20 A. Yes, but last call had been done, meaning staff 21 So he pointed at the boardroom and said they're 21 was cut and leaving because they didn't have any tables. 22 all in there. I said okay, okay. So I walked over and I 22 So I needed to re-adjust at 1:10, which would be a long time from the time you did last call when you only had 23 opened the door. 23 24 Q. Let's back up. 24 two guests and they weren't even drinking. 25 A. Okay. 25 So they left. There was no one in the bar when

	Case 0:08-cv-06195-MJD-JSM Do	Culi	3
	138	_	140
1	Q. So at 12:35, 12:40, you do last call. There's	1	A. No.
2	no one in there. There's a party going on upstairs?	2	Q. Do you remember the two banquet staff you had
3	A. Right.	3	asked where people were?
4	Q. But there's no one in the lounge?	4	A. I don't know hardly any of their names. No, I
5	A. Correct.	5	don't recall any names.
6	Q. And the restaurant has been closed?	6	Q. And you thought it would be ridiculous to stay
7	A. For, yeah, quite some time. The restaurant	7	open since there was no one in the bar?
8	closed at 10:00.	8	A. If they weren't going to come down, that's what
9	Q. So when a person is cut for doing last call, a	9	I kept thinking. That's why I went back up because I
10	waitress	10	thought, you know, what if they do come down and now I've
11	A. Yes.	11	cut. And the last thing I want is for me to be serving
12	Qhow long does it take her to tip out, all that	12	and that would look bad for us. You know, you don't want
13	stuff?	13	a manager serving everybody. You should have enough
14	A. Theoretically, 15, 20 minutes. It just depends	14	staff on, right?
15	on if she had any, you know, tables still out there	15	Q. Okay.
16	because she'd be responsible for it. Their side work was	16	A. So I'm like I really just want to talk to these
17	done. Normally they'd have side work to do so it could	17	guys is what I'm thinking.
18	take longer if you'd been busy all night and couldn't get	18	Q. And as part of Hilton policy you shouldn't be
19	to it. But the side work was done. All she had to do	19	serving anyone anyway, right?
20	was rectify her financials, basically, make her drop.	20	A. Absolutely.
21	Q. And make her drop, you mean with the bartender,	21	Q. So you go back up and run into a security guard.
22	right?	22	He points to Boardroom 1 and you open the door?
23	A. Yeah, that's exactly how they do it. They run	23	A. Correct.
24	their financial report, they, you know, add up their	24	Q. What's the first thing you see when you open the
25	credit cards and all of that, and then they develop the	25	door?
	139		141
1	envelope and hand it over to the bartender.	1	A. I see David Bullerman and a banquet - I think
2	Q. Okay.	2	she's like a lead staff. I can't think of what they call
3	A. The bartender at the end of his shift drops all	3	them, but she wears the tuxedo where the rest of them
4	those.	4	wear the shirt kind of thing and a vest. So she's a lead
5	Q. And the bartender has to cash her out, right?	5	banquet staff person, Patti. David's head is tipped back
6	A. Yes, if she's owed cash, right. But if she's	6	like this and he's standing like this. And Patti is
7	paying in it goes into that envelope.	7	rubbing his thighs and genitals with her hands, and he's
8	Q. And it would be paying in, she would receive so	8	going "ooh." That's the very first thing I see.
9	much cash receipts or why would she be paying in?	9	Q. What was he wearing?
10	A. If you had a lot of people who are staying	10	A. He was wearing his suit.
11	within the hotel, they generally will do room charges,	11	Q. What color?
12	which means you're not functioning on cash, or credit	12	A. Blue.
13			I and the second se
		13	Q. What color tie did he have on?
14	cards as well. So you're doing more of that than you are	13 14	Q. What color tie did he have on?  A. I don't know. It was to the side. I don't
14 15	cards as well. So you're doing more of that than you are in-taking cash, then you would be owed money. If you're	i	
15	cards as well. So you're doing more of that than you are in-taking cash, then you would be owed money. If you're paying in it's the direct opposite, meaning more people	14	A. I don't know. It was to the side. I don't
15 16	cards as well. So you're doing more of that than you are in-taking cash, then you would be owed money. If you're paying in it's the direct opposite, meaning more people are paying you with cash.	14 15	A. I don't know. It was to the side. I don't know.
15 16 17	cards as well. So you're doing more of that than you are in-taking cash, then you would be owed money. If you're paying in it's the direct opposite, meaning more people are paying you with cash.  Q. Okay. So 12:35, 12:40, do last call. You've	14 15 16	A. I don't know. It was to the side. I don't know. Q. What color shirt did he have on? A. I don't know.
15 16 17 18	cards as well. So you're doing more of that than you are in-taking cash, then you would be owed money. If you're paying in it's the direct opposite, meaning more people are paying you with cash.  Q. Okay. So 12:35, 12:40, do last call. You've been trying to reach people but you make the decision on	14 15 16 17	A. I don't know. It was to the side. I don't know.  Q. What color shirt did he have on?
15 16 17 18 19	cards as well. So you're doing more of that than you are in-taking cash, then you would be owed money. If you're paying in it's the direct opposite, meaning more people are paying you with cash.  Q. Okay. So 12:35, 12:40, do last call. You've been trying to reach people but you make the decision on your own?	14 15 16 17 18	A. I don't know. It was to the side. I don't know. Q. What color shirt did he have on? A. I don't know. Q. What does Patti look like?
15 16 17 18 19 20	cards as well. So you're doing more of that than you are in-taking cash, then you would be owed money. If you're paying in it's the direct opposite, meaning more people are paying you with cash.  Q. Okay. So 12:35, 12:40, do last call. You've been trying to reach people but you make the decision on your own?  A. Yes.	14 15 16 17 18 19	A. I don't know. It was to the side. I don't know.  Q. What color shirt did he have on?  A. I don't know.  Q. What does Patti look like?  A. Reddish hair, curly, shoulder length, about five-three.
15 16 17 18 19 20 21	cards as well. So you're doing more of that than you are in-taking cash, then you would be owed money. If you're paying in it's the direct opposite, meaning more people are paying you with cash.  Q. Okay. So 12:35, 12:40, do last call. You've been trying to reach people but you make the decision on your own?  A. Yes.  Q. And then you decide well, I better go check one	14 15 16 17 18 19 20	A. I don't know. It was to the side. I don't know.  Q. What color shirt did he have on?  A. I don't know.  Q. What does Patti look like?  A. Reddish hair, curly, shoulder length, about five-three.  Q. What does David Bullerman look like?
15 16 17 18 19 20 21 22	cards as well. So you're doing more of that than you are in-taking cash, then you would be owed money. If you're paying in it's the direct opposite, meaning more people are paying you with cash.  Q. Okay. So 12:35, 12:40, do last call. You've been trying to reach people but you make the decision on your own?  A. Yes.  Q. And then you decide well, I better go check one more time?	14 15 16 17 18 19 20 21	A. I don't know. It was to the side. I don't know.  Q. What color shirt did he have on?  A. I don't know.  Q. What does Patti look like?  A. Reddish hair, curly, shoulder length, about five-three.  Q. What does David Bullerman look like?  A. He has really short, very blond hair. Gosh, I
15 16 17 18 19 20 21 22 23	cards as well. So you're doing more of that than you are in-taking cash, then you would be owed money. If you're paying in it's the direct opposite, meaning more people are paying you with cash.  Q. Okay. So 12:35, 12:40, do last call. You've been trying to reach people but you make the decision on your own?  A. Yes.  Q. And then you decide well, I better go check one more time?  A. Yes.	14 15 16 17 18 19 20 21 22 23	A. I don't know. It was to the side. I don't know. Q. What color shirt did he have on? A. I don't know. Q. What does Patti look like? A. Reddish hair, curly, shoulder length, about five-three. Q. What does David Bullerman look like? A. He has really short, very blond hair. Gosh, I don't know. He looks kind of like a football player
15 16 17 18 19 20 21 22	cards as well. So you're doing more of that than you are in-taking cash, then you would be owed money. If you're paying in it's the direct opposite, meaning more people are paying you with cash.  Q. Okay. So 12:35, 12:40, do last call. You've been trying to reach people but you make the decision on your own?  A. Yes.  Q. And then you decide well, I better go check one more time?	14 15 16 17 18 19 20 21 22	A. I don't know. It was to the side. I don't know.  Q. What color shirt did he have on?  A. I don't know.  Q. What does Patti look like?  A. Reddish hair, curly, shoulder length, about five-three.  Q. What does David Bullerman look like?  A. He has really short, very blond hair. Gosh, I

	142		144
1	know, he's got big shoulders. He's a strong-looking	1	Q. And what color hair?
2	young man but he's not very tall.	2	A. Blond.
3	Q. They don't call him Bully because his last name	3	Q. Any other distinguishing features?
4	is Bullerman?	4	A. No.
5	A. That too.	5	Q. Do you remember anything else about her?
6	Q. So where is he standing in the room?	6	A. I don't know if she was awake or not. I don't
7	A. They're standing almost directly in front of the	7	know. She was just laying there.
8	door. Maybe five feet away from the door.	8	Q. You didn't see her move?
9	Q. What's the next thing you see?	9	A. I didn't see her move. I saw him move.
10	A. I see –	10	Q. What was Dale Nelson wearing?
1.		11	A. Pants and a dress shirt.
11	Q. I'm sorry. His pants are on, right?	12	· · · · · · · · · · · · · · · · · · ·
12	A. Yes, ma'am.	l	Q. What color pants?
13	Q. His pants are not unzipped?	13	A. They were dark so either black or blue, but I
14	A. No.	14	can't be positive.
15	Q. Does he have his belt still done?	15	Q. What color shirt?
16	A. I believe so.	16	A. It was light, like either green or, you know, a
17	Q. Shoes are still on?	17	light color like that, or yellow, but I'm not sure.
18	A. Yes.	18	Q. So the woman, the blond, and the skirt color you
19	Q. Patti is fully clothed?	19	don't remember, she was lying on her back?
20	A. Yes.	20	A. Yes.
21	Q. She's wearing her nylons?	21	Q. And Mr. Nelson was on top of her?
22	A. She wears pants.	22	A. I didn't say that, but yes. She had her legs
23	Q. She's wearing her pants?	23	spread apart with her knees bent at the end of the table,
24	A. Yes.	24	and he was in between her two knees and was over her, so
25	Q. Her clothes aren't disheveled?	25	from her torso area.
	143		145
1	A. No. I wouldn't say that.	1	
1 2		1 2	Q. So her knees were bent and her knees were bent at the end of the table?
	A. No. I wouldn't say that. Q. Okay.	l	Q. So her knees were bent and her knees were bent
2	<ul><li>A. No. I wouldn't say that.</li><li>Q. Okay.</li><li>A. Her shirt's hanging out but it's not how you</li></ul>	2	Q. So her knees were bent and her knees were bent at the end of the table?  A. Yes.
2 3	<ul><li>A. No. I wouldn't say that.</li><li>Q. Okay.</li><li>A. Her shirt's hanging out but it's not how you should look if you're out on the floors, but</li></ul>	2 3	Q. So her knees were bent and her knees were bent at the end of the table?
2 3 4	<ul><li>A. No. I wouldn't say that.</li><li>Q. Okay.</li><li>A. Her shirt's hanging out but it's not how you should look if you're out on the floors, but</li><li>Q. Was Mr. Bullerman's clothes disheveled?</li></ul>	2 3 4	Q. So her knees were bent and her knees were bent at the end of the table?  A. Yes.  Q. And so her it's knees and then further up the table?
2 3 4 5	<ul> <li>A. No. I wouldn't say that.</li> <li>Q. Okay.</li> <li>A. Her shirt's hanging out but it's not how you should look if you're out on the floors, but</li> <li>Q. Was Mr. Bullerman's clothes disheveled?</li> <li>A. His you know, his jacked looked crookedy.</li> </ul>	2 3 4 5	Q. So her knees were bent and her knees were bent at the end of the table?  A. Yes.  Q. And so her it's knees and then further up the table?  A. Yes. So knees and then your buttocks.
2 3 4 5 6 7	<ul> <li>A. No. I wouldn't say that.</li> <li>Q. Okay.</li> <li>A. Her shirt's hanging out but it's not how you should look if you're out on the floors, but</li> <li>Q. Was Mr. Bullerman's clothes disheveled?</li> <li>A. His you know, his jacked looked crookedy.</li> <li>That's what I remember, seeing that, that it looked</li> </ul>	2 3 4 5 6 7	<ul> <li>Q. So her knees were bent and her knees were bent at the end of the table?</li> <li>A. Yes.</li> <li>Q. And so her it's knees and then further up the table?</li> <li>A. Yes. So knees and then your buttocks.</li> <li>Q. So her knees were touching the end of the table?</li> </ul>
2 3 4 5 6	A. No. I wouldn't say that. Q. Okay. A. Her shirt's hanging out but it's not how you should look if you're out on the floors, but Q. Was Mr. Bullerman's clothes disheveled? A. His you know, his jacked looked crookedy. That's what I remember, seeing that, that it looked crooked on his shoulder.	2 3 4 5 6	<ul> <li>Q. So her knees were bent and her knees were bent at the end of the table?</li> <li>A. Yes.</li> <li>Q. And so her — it's knees and then further up the table?</li> <li>A. Yes. So knees and then your buttocks.</li> <li>Q. So her knees were touching the end of the table?</li> <li>A. It looked like they were hanging like that.</li> </ul>
2 3 4 5 6 7 8	A. No. I wouldn't say that. Q. Okay. A. Her shirt's hanging out but it's not how you should look if you're out on the floors, but Q. Was Mr. Bullerman's clothes disheveled? A. His you know, his jacked looked crookedy. That's what I remember, seeing that, that it looked crooked on his shoulder. Q. What's the next thing you see in the room?	2 3 4 5 6 7 8	Q. So her knees were bent and her knees were bent at the end of the table?  A. Yes.  Q. And so her — it's knees and then further up the table?  A. Yes. So knees and then your buttocks.  Q. So her knees were touching the end of the table?  A. It looked like they were hanging like that.  Q. So when you say "like that," if I have my
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. No. I wouldn't say that. Q. Okay. A. Her shirt's hanging out but it's not how you should look if you're out on the floors, but Q. Was Mr. Bullerman's clothes disheveled? A. His you know, his jacked looked crookedy. That's what I remember, seeing that, that it looked crooked on his shoulder. Q. What's the next thing you see in the room? A. I see people to my left but most of them had their backs turned and they just had drinks in their hands. And on the right I could see the boardroom table, and lying on the table was a woman with blond hair and on top of her was Dale. And that's when I just asked my question and left. Q. Okay. The woman in blond hair, what was she wearing? A. It looked like a skirt and a top because I could see her legs. Q. What color was the skirt? A. I don't know.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. So her knees were bent and her knees were bent at the end of the table?  A. Yes. Q. And so her it's knees and then further up the table?  A. Yes. So knees and then your buttocks. Q. So her knees were touching the end of the table? A. It looked like they were hanging like that. Q. So when you say "like that," if I have my knuckles, they're hooked in like that? A. Yes. Q. So the back of the knuckles are touching the edge of the table and the legs were hanging down? A. Yes, almost as if you were sitting on a table except Q. You lay down? A. You laid down, correct. Q. And her legs were spread apart? A. Yes. Q. And Mr. Nelson is standing in front of her between the two legs? A. Yes. And he's I don't know if he's lying on

37 (Pages 142 to 145)

38 (Pages 146 to 149)

standing, yes.

A. Correct.

Q. And they're right in front of the door?

with their backs to you holding drinks?

O. To the left -- so to your left there are people

A. Yeah. And some are sitting and some are

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down.

A. You know, I know I saw Kim like out of the

corner of my eye straight ahead so like on the other side

of the boardroom table in the center of the room toward

people earlier in the night and I saw some of them come

Q. So in the room — let's go through this again.

the back, I saw her standing back there. But I saw

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1 A. Okay.

- O. You've got David Bullerman and Patti center right in front of the door.
- 4 A. Yes.

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- 5 Q. And on the left you have this group of people,
- backs to you, sitting, standing, drinks in their hands?
  - A. Yes.
- Q. And you see Dale Nelson and the blond on the
- 9 table, and then you see Kim further back on --
- 10 A. I saw Kim further back, and I could see Victor 11 standing in the group on the left near the back wall too.
- 12 Q. So on the left with the group of people with
- their backs to you you can see Victor --13
- 14 A. Victor, yes.
- 15 Q. Anything else about the room?
- 16 A. It's -- well, I see lots and lots of drinks and
- 17 bottles and glasses and, you know, wine bottles, alcohol
- 18 bottles, beer bottles. Everyone was laughing and having
- 19 fun when I opened the door.
- 20 And then when I did they went "oohhh." A lot of 21 people made that sound, like of a general consensus in
- 22 the room, like -- I don't know why but that's -- I would
- 23 imagine it's like ooh, we're busted, because that's what

A. No. It appeared to me that they were having a

Q. Did you know that they were celebrating

A. I knew that they had done that earlier in the

Luke had congratulated everybody and they all had a

champagne toast. I know that happened.

Q. How did you know that happened?

evening when they brought people up on stage and John

A. Because when Heather came downstairs at one

finishing the DOS conference?

- 24 it felt like to me, when you walk in on your kids.
  - Q. Do you know why they were in there?
- 151
  - Q. But didn't you do that?
    - A. Yeah, I brought it up. I helped but it wasn't

Q. Okay. So she tells you that, you know, John

Luke thanked everybody, they had a champagne toast.

he made a mistake," you know, he had omitted her

Q. Anything else she tells you?

Q. And then Sunny came down?

was a captain. She was a captain then.

accidentally. She said, "And he forgot me," like that.

A. And then said, "But he didn't call me up because

A. Sunny came down before Heather. And Sunny was

leaving because Sunny doesn't drive. Her husband was

getting her and she said the same thing, it was very

nice, John Luke thanked us all and we had a glass of

Q. What had Sunny done for the conference?

A. Well, Sunny was the assistant in-room dining manager at the time, so Sunny had worked just as hard as,

you know, Heather or anybody. And Gretchen at the time

Sunny, you know, when you build amenities for,

you know, 600 rooms or something it takes a long time.

So they'd sit with these big queen carts and bus tubs and

room. You have to build this thing up and haul it. You have to orchestrate all the rooms and room keys.

you have to put waters and whatever you need in each

champagne and called us up on the stage. That was very

- like it was my master plan. I just did what Heather -
- Heather gave me a piece of paper and pass keys. I helped
- 5 build some of the amenities prior to the conference
- 6 arriving.
- 7 Q. Okay. So you left the door closed to Boardroom
- 1, and what happens next? You go down the escalators?
- 9 A. Yeah. I walk away. Escalators are to my left,
- 10 I walk over there, go down the escalator, and straight
- into the lounge because once you go down the escalator point, she told me that. And Sunny came down to leave 11
- and told me the same thing, said that they had toasted 12 you're on the main floor. Lounge would be to your right. and it was nice that John Luke had toasted everybody and
  - 13 I go straight to the lounge and say hey, we're not
- individually thanked everybody and they all had a glass 14 closing.

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- Q. Okay, Did you feel left out?
- 17 A. No. No, not really, because I didn't do all
- 18 they had done. And I was doing what I was asked to do,
- 19 so no.

of champagne.

- 20 Q. So when did Heather come down?
- 21 A. She came down to grab something out of her
- 22 office. Maybe it was her bag or something. And I'm
- 23 trying to remember what time it was. Maybe 11:00, 10:30.
- 24 It was pretty early in the evening. It was probably
- 25 11:00, though.

- A. That would be upstairs. I was at a boardroom
- 17 here. The escalator would be here. I turn around, I
  - walk back to the escalator, come down. When I get off on

Q. You just said the escalators were to your left.

- the lowest level, the lounge is on the right.
- 20 Upstairs has a line of boardrooms along -- I
- 21 don't know north or south so I can't tell you that, but
- facing Marquette Avenue. And then the other side would 22
- 23 be where the ballrooms are. And then down the middle is
- 24 a giant hallway, and escalators are kind of at the end of
- 25 that floor.

153

152

39 (Pages 150 to 153)

154  1 Q. Now, how was the boardroom set up? 2 A. Table and — I see the table. I'm sure normally 3 had chairs by it but the chairs were all over because I 4 think people were sitting in them, so I didn't see any 5 chairs on the one side facing the door. And I could just 6 see the table had tons and tons of glasses and wine and 7 bottles and booze.  Q. Well, you've seen the boardroom set up in 9 various different ways, right?  A. A. Exp. but it's a stationary table like the one 11 were sitting at today. So it's not like you can break 12 it apart. It's one big table. 13 Q. Well, you can make it into a U-shape. 14 A. They could, but it wasn't set up that way. It 15 was set up with a table down the center of the room. 16 Q. Were people smoking in the room? 17 A. I don't think so, no. I didn't smell anything. 18 so no. 19 Q. Did you talk to anyone else who had been in the 10 boardroom that night prior to when you arrived at it at 1 about 12-do, 12-45? 2 A. A correct. 2 D. Well, besides Heather and Sunny?  16 A. Correct. 2 D. Well, besides Heather and Sunny?  17 A. Correct. But I didn't — I don't think they 16 were in that room. They were in a party. That's what 17 they were in that room. I knew the room existed. 18 So when they said that, that's exactly—the 19 C. Now, you know what I mean? I didn't know there were 19 people in that room. I knew the room existed. 2 So when they said up on the satage. 2 Q. No one propositioned you in the room, did they? 3 A. No. 4 A. One propositioned you in the room, did they? 4 A. No. 4 A. One propositioned you in the room, did they? 5 A. Alout a mirnte I'd say, yeah. 6 (Recess taken between 1:32 p.m. and 1:48 p.m.) 19 Q. (By Ms. Bischoff) Going back to Dale Nelson and 14 the they were subtle they were the that they are seen that they are seen that were the stage was the room that what the back to Dale Nelson and 14 they are they are that they are that they they seen they are the content of the prone. 2 Q. What did you say? 3 A. No. 3 A. John transmether. 4 A. Johou ta mirnte I'd sa	1 Q. Now, how was the boardroom set up? 2 A. Table and — I see the table. If sure normally 3 had chairs by it but the chairs were all over because I 4 think people were sitting in them, so I didn't see any 5 chairs on the one side facing the door. And I could just 6 see the table had tons and tons of glasses and wine and 7 bottles and booze. 3 Q. Well, you've seen the boardroom set up in 9 various different ways, right? 10 A. Yes, but it's a stationary table like the one 11 wer'e stifferent ways, right? 12 A. Yes, but it's a stationary table like the one 12 it apart. It's one big table. 13 Q. Werl, you've seen the boardroom set up in 14 A. They could, but it wasn's set up that way. It 15 was set up with a table down the center of the room. 16 Q. Were people smoking in the room? 17 A. I don't think so, no. I didn't smell anything, 18 so no. 19 Q. Did you talk to anyone else who had been in the 10 boardroom that right prior to when you arrived at it at 11 about 12:40, 12:45? 2 A. I arrived there I know around 12:50. And I 12 about 12:40, 12:45? 2 A. I carrived there I know around 12:50. And I 12 arever talking about. That's where the stage was was in that prary with the Prince band. 2 I didn't even know that — I mean, nobody said a mything about that room. I knew the room existed. 3 So when they said that, that's exactly—the 2 stage was in the ablictoms others' what they were talking about. That's where the stage was was in that prary with the Prince band. 4 M. No. 4 Q. And you know what lemen? I didn't know there were people in that room. I knew the room existed. 5 So when they said up on the stage. 2 Q. No one propositioned you in the room, did they? 3 A. No. 4 M. S. BISCHOFF: Okay. Let's take a quick the break. 4 M. S. BISCHOFF: Okay. Let's take a quick the break. 5 break. 6 M. S. BISCHOFF: Okay. Let's take a quick the break. 6 M. S. BISCHOFF: Okay. Let's take a quick the break. 7 Co. Q. General office table height? 8 A. Yes. 8 I doo't know. 9 Co. Did you take to any one one of the stage. 9 Co. Did you know wh	1 Q. Now, how was the boardroom set up? 2 A. Table and — I see the table. I'm sure normally 3 had chairs by it but the chairs were all over because I 4 think people were sitting in them, so I didn't see any 5 chairs on the one side facing the door. And I could just 6 see the table had tons and tons of glasses and wine and 7 bottles and booze. 8 Q. Well, you've seen the boardroom set up in 9 various different ways, right? 10 A. Yes, but it's a stationary table like the one were sitting at rodey. So it's not like you can break 12 it apart. It's one big table. 13 Q. Well, you can make it into a U-shape. 14 A. They could, but it wasn't set up that way. It 15 was set up with a table down the center of the room. 16 Q. Were people smoking in the room? 17 A. I don't think so, no. I didn't smell anything, 18 so no. 19 Q. Did you talk to anyone else who had been in the 20 boardroom that night prior to when you arrived at it at 3 about 12-40, 12-45? 22 A. I arrived there I know around 12:50. And I 23 never talked to anybody who had been in that room prior 16 to going to that room. 25 Q. Well, besides Heather and Sunny?  155  1 A. Correct, But I didn't—I don't think they were in that room. They were in a party. That's what they were talking about. That's where the stage was was in that party with the Prince band. 5 I didn't even know that — I mean, nobody said 6 anything about that room. I didn't know that room existed, you know what I mean? I didn't know there were 8 people in that room. I knew the room existed. 9 So when they said that, that's exactly—the 15 stage was in the ballroom so that's what I thought they meant when they said up on the stage.	
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And I 21 never talked to anybody who had been in that root to tog oing to that room. 21 A. Correct. 22 A. Tarrived there I know around 12:50. And I 23 never talked to anybody who had been in that root tog going to that room. 24 they were talking about. That's where the stage was was 25 in that pravy wifit the Prince band. 26 I didn't even know that I mean, robody said 27 anything about that room. I didn't know that room 28 expecie in that room. They were in a party. That's what 29 they were talking about. That's where the stage was was 20 in that party wifit the Prince band. 29 So when they said that, that's exeady—the 20 So when they said that, that's exeady—the 21 stage was in the bellorons on that's what though they 22 mere in that room. They were in a party. That's what 23 they were talking about that. Then what room prior 24 to going to that room. 25 Q. Well, besides Heather and Sumny? 26 Very bene closed, and then I must have had some strange 27 the propositioned you in the room, did they? 28 the propositioned you in the room, did they? 29 A. Torrect. 21 going to inform the staff, so Dawn was barteuding	2 h. Table and — I see the table. I'm sure normally 3 had chairs by it but the chairs were all over because I 4 think people were sitting in them, so I didn't see any 5 chairs on the one side facing the door. And I could just 8 see the table had tons and tons of glasses and wine and 7 bottles and booze. 8 Q. Well, you've seem the boardroom set up in 9 various fifterent ways, right? 10 A. Yes, but it's a stationary table like the one 11 were sitting at today. So it's not like you can break 12 it apart. It's one big table. 13 Q. Well, you can make it into a U-shape. 14 A. They could, but it wasn't set up that way. It 15 was set up with a table down the center of the room. 16 Q. Were people smoking in the room? 17 A. I don't think so, no. I didn't smell anything, 18 so no. 19 Q. Did you talk to anyone else who had been in the 10 boardroom that night prior to when you arrived at it at 11 about 12:40, 12:45? 10 A. Correct. But I didn't — I don't think they 11 were in that room. They were in a party. That's what 12 they were in that room. I knew the room existed. 15 I didn't even know that — I mean, nobody said 16 anything about that room. I knew the room existed. 16 So when they said that, that's exactly — the 17 stage in that troom. I knew the room existed. 18 So when they said up on the stage. 19 Q. No one propositioned you in the room, did they? 10 A. No. 11 Q. And you were in the room of less than a minute? 12 A. Them and the blood, how that was the able to were looked and the blood, how tall was the table they were looked and the blood, how tall was the table they were laying on? 2 A. No. 3 A. No. 3 A. No. 4 A. No. 4 A. Ond you were in the room of the stage. 2 Q. No one propositioned you in the room, did they? 3 A. No. 4 A. Correct. But I didn't — I don't think they 4 were in that room. I knew the room existed.  9 So when they said that, that's exactly — the 5 stage was in the balloroom so that's what I thought they 5 meant when they said up on the stage. 2 Q. No one propositioned you in the room, did they? 3 A	2 A. Table and I see the table. I'm sure normally 3 had chairs by it but the chairs were all over because I 4 think people were sitting in them, so I didn't see any 5 chairs on the one side facing the door. And I could just 6 see the table had tons and tons of glasses and wine and 7 bottles and bocze. 8 Q. Well, you've seen the boardroom set up in 9 various different ways, right? 10 A. Yes, but it's a stationary table like the one 11 we're sitting at today. So it's not like you can break 12 it apart. It's one big table. 13 Q. Well, you can make it into a U-shape. 14 A. They could, but it wasn't set up that way. It 15 was set up with a table down the center of the room. 16 Q. Were people smeking in the room? 17 A. I don't think so, no. I didn't smell anything, 18 so no. 19 Q. Did you talk to anyone else who had been in the 20 boardroom that night prior to when you arrived at it at 21 about 12:40, 12:45? 22 A. I arrived there I know around 12:50. And I 23 his back. But from him hunched over it looked as thor 4 think people were sitting in them, so I didn't see any 4 Q. Did he have a belt on? 5 A. I don't know. 6 Q. Okay. Where were her hands? 7 A. Just lying on the table. 9 Q. And where were his hands? 9 A. Around her, like around her neck and back, it 10 looked like. 10 Q. Okay. So he was on her from his chin down to 11 bis back. But from him hunched over it looked as thor 12 didn't know the see the stage and think they are the table. 9 Q. Okay. Where were the hands? 1 A. Around her, like around her neck and back, it 10 looked like. 10 Q. Okay. So he was on her from his chin down 11 bis hands were behind. 11 dook where were his hands? 11 A. Around her, like around her neck and beck his back? 1 A. Yeah, like tucked behind her, as if you were embracing someone while they't lying down. 12 Q. May byou temember about those two? 13 A. Correct. 14 Didn't know here were his hands? 15 Q. May his heat was on her from his chin down 16 Q. Okay. So he was on her from his chinds? 16 Q. Okay. So he was on her from his chind	gh
3 had chairs by it but the chairs were all over because I 4 think people were sitting in them, so I didn't see any 5 chairs on the one side facing the door. And I could just 6 see the table had tons and tons of glasses and wine and 5 bottles and bozze. 7 A. I don't know. 9 Q. Okay, Where were her hands? 9 Various different ways, right? 10 A. Yes, but it's a stationary table like the one 11 were stifting at today. So it's not like you can break 12 it apart. It's one big table. 13 Q. Well, you can make it into a U-shape. 14 A. They could, but it wasn't set up that way. It 15 was set up with a table down the center of the room. 16 Q. Were people smoking in the room? 17 A. I don't think so, no. I didn't smell anything, 18 so no. 19 Q. Did you talk to anyone else who had been in the 10 boardroom that night prior to when you arrived at it at 11 about 12:40, 12:45? 12 A. I arrived there I know around 12:50. And I 12 never talking do anyboy who had been in that room prior 14 to going to that room. 15 Q. Well, besides Heather and Sunny? 16 A. Correct. 17 A. Correct. But I didn't — I don't think they 18 were in that room. They were in a party. That's what 19 they were talking about that room. I knew the room existed. 19 So when they said that, that's exactly — the 20 stage was in the ballroom so that's what thought they 21 meant when they said up on the stage. 22 No one propositioned you in the room, did they? 23 A. No. 24 A. No. 25 Q. By Ms. Bischoff) Going back to Dale Nelson and 26 Q. No day So the bar opens. 27 A. Alout think give one the stage was was in the party with the Prince band. 28 A. Around her, like around her neck and back, it 29 looked like. 20 (No one propositioned you in the troom for the stage was was in the party with the Prince band. 21 the back part was ever be hands? 22 A. Yes. 23 Q. Did you talk to anyone else who had been in the bar was staying open? 24 to going to that room. 25 Q. What the was staying open? 25 A. Correct. 26 Q. Did you talk to anyone else who had been in the bar was staying open	1 had chairs by it but the chairs were all over because I dish in kepople were sitting in them, so I dish't see any chairs on the one side facing the door. And I could just see the table had fons and tons of glasses and wine and bottles and booze.  2 Q. Well, you've seem the boardroom set up in various different ways, right?  3 A. Yes, Did it's a stationary table like the one we're sitting at today. So it's not like you can break it spart. It's one big table.  3 Q. Well, you can make it into a U-shape.  4 A. They could, but it wasn't set up that way. It was set up with a table down the center of the room.  5 Q. Were people smoking in the room?  6 Q. Were people smoking in the room?  7 A. I don't think so, no. I didn't smell anything, so no. I didn't smell anything.  8 so no.  9 Q. Did be have a belt on?  A. I don't hinks of the stable.  9 Q. And where were his hands?  A. A round hee, like around her neck and back, it looked like.  10 Q. Were people smoking in the room?  11 A. Yeah, like tucked behind her, as if you were embracing sumcome while they're lying down.  12 Q. Did by out talk to anyone class and wine and breath the back?  13 A. A correct.  14 A. A round hee, like around her neck and back, it looked like.  15 A. A loor thinks ko, no. I didn't smell anything.  16 Did you talk to anyone class who had been in the loop and the bench of the going to that room.  17 A. I don't think they were in that room. They were in a party. That's what they were talking about. That's where the stage was was in the ballroom to that's what I thought they received the back?  1 A. Correct.  1 So when they said thus, that's exactly—the stage was in the ballroom so that's what I thought they received the proper we're re-opening, so re-open right now because I flink they're going to come down. Just re-open.  1 So you know what I mean, I clidn't know there were be people in that room. I knew the room, did they?  2 Q. No whome they said thus, that's exactly—the stage was in the ballroom so that's what I thought they received the p	think people were sitting in them, so I didn't see any chairs on the one side facing the door. And I could just see the table had tons and tons of glasses and wine and bottles and booze.  Q. Well, you've seen the boardroom set up in various different ways, right?  A. Yes, but it's a stationary table like the one we're sitting at today. So it's not like you can break it apart. It's one big table.  A. They could, but it wasn't set up that way. It was set up with a table down the center of the room.  Q. Were people smoking in the room?  A. I don't think so, no. I didn't smell anything, so no.  D. Did you talk to anyone else who had been in the boardroom that night prior to when you arrived at it at about 12:40, 12:45?  A. I arrived there I know around 12:50. And I never talked to anybody who had been in that to going to that room.  D. Well, besides Heather and Sunny?  A. Correct. But I didn't — I don't think they were talking about. That's where the stage was was in that party with the Prince band.  I didn't even know that — I mean, nobody said anything about that room. I flidn't know thar room existed, you know what I mean? I didn't know thar coom existed, you know what I mean? I didn't know thar coom existed, you know what I mean? I didn't know there were people in that room. Thenew the room existed.  So when they said up on the stage.  3 the back part was still in his pants.  4. A. Idon't know.  Q. Did he have a belt on?  A. I don't know.  Q. Okay. Where were his hands?  A. Around her, like around her neck and back, it looked like.  Q. Okay. So he was on her from his chin down to his groin, and his hands were behind her, as if you were embracing someone while they're lying down.  Q. Now, you let the door close and you walked downstairs back down to the lounge?  A. Correct.  Q. And took the escalators down?  A. Yes.  Q. Did you talk to anyone— so you told them that the bar was staying open?  A. So I had to walk into the lounge and now I'm was now.  The propher is a party. That's what they were talking about that	gh
think people were sitting in them, so I didn't see any chairs on the one side facing the door. And I could just see the table had tons and tons of glasses and wine and bottles and booze.  Q. Well, you've seen the boardroom set up in various different ways, right?  A. Yes, but it's a stationary table like the one were sitting at today. So it's not like you can break it apart. It's one big table it's a stati to U-shape.  Q. Well, you can make it into a U-shape.  Q. Well, you can make it into a U-shape.  Q. Were people smoking in the room?  A. They could, but it wasn't set up that way. It was set up with a table down the center of the room.  Q. Were people smoking in the room?  A. I don't know.  A. Around her, like around her neek and back, it looked like.  Q. Okay. Where were his hands?  A. Around her, like around her neek and back, it looked like.  Q. Around her, like around her neek and her bis groun, and his hands were behind her neek and her bis groun, and his hands were behind her neek and her bis groun, and his hands were behind her neek and her bis groun, and his hands were behind her neek and her his bis groun, and his hands were behind her neek and her her his chind own to his groun, and his hands were behind her neek and her hock?  A. They could, but it wasn't set up that way. It was set up with a table down the center of the room.  Q. Were people smoking in the room?  A. I don't know.  A. Yeah, like tucked behind her, as if you were enhands?  A. Yeah, like tucked behind her, as if you were enhands?  A. Yeah, like tucked behind her, as if you were enhands?  A. Yeah, like tucked behind her, as if you were enhands?  A. Yeah, like tucked behind her, as if you were enhands?  A. Yeah, like tucked behind her, as if you were enhands?  A. Yeah, like tucked behind her, as if you were enhands?  A. Yeah, like tucked behind her, as if you were enhands?  A. Yeah, like tucked behind her, as if you were enhands?  A. Yeah, like tucked behind her, as if you were enhands?  A. Yeah, like tucked behind her, as if you were	think people were sitting in them, so I didn't see any 5 tehrisr on the one side facing the door. And I could just 5 see the table had tons and tons of glasses and wine and 5 bottles and booze.  Q. Well, you've seen the boardroom set up in various different ways, right?  A. Yes, but it's a stationary table like the one we're sitting at today. So it's not like you can break it it apart. It's one big table. Q. Well, you can make it into a U-shape. Q. Well, you can make it into a U-shape. Q. Well, you can make it into a U-shape. Q. Well, you can make it into a U-shape. Q. Well, you can make it into a U-shape. Q. Well, you can make it into a U-shape. Q. Well, you can make it into a U-shape. Q. Were people smoking in the room? A. I didn't swant set up hith a table down the center of the room. Q. Were people smoking in the room? A. I didn't know, and it didn't smell anything, so no. Q. Did you talk to anyone else who had been in the boardroom that night prior to when you arrived at it at about 12-40, 12-45? A. A. Correct. But I didn't — I don't think they were talking about. That's where the stage was was in that party with the Prince band. J. Gardin't work know what I mean? I didn't know there were people in that room. They were in a late the propole in that room. They were in a late the propole in that room. I knew the room existed. Q. And you were in the room for less than a minute? A. No. Q. By Ms. Bischoff) Going back to Dale Nelson and the blond, how tall was the table they were laying on? A. A hout a minute I'd say, yeah. Recess taken between 132 p.m. and 148 p.m.) Q. Q. By Ms. Bischoff) Going back to Dale Nelson and the blond, how tall was the table they were laying on? A. I dink tike a this eight. Q. General office table height? Q. General office table height? A. Yes.	4 think people were sitting in them, so I didn't see any 5 chairs on the one side facing the door. And I could just 6 see the table had tons and tons of glasses and wine and bottles and booze. 8 Q. Well, you've seen the boardroom set up in 9 various different ways, right? 10 A. Yes, but it's a stationary table like the one 11 we're sitting at today. So it's not like you can break 12 it apart. It's one big table. 13 Q. Well, you can make it into a U-shape. 14 A. They could, but it wasn't set up that way. It 15 was set up with a table down the center of the room. 16 Q. Were people smoking in the room? 17 A. I don't think so, no. I didn't smell anything, 18 so no. 19 Q. Did you talk to anyone else who had been in the 20 boardroom that night prior to when you arrived at it at 21 about 12:40, 12:45? 2 A. I arrived there I know around 12:50. And I 22 never talked to anybody who had been in that toom prior 24 to going to that room. 25 Q. Well, besides Heather and Sunny?  155  1 A. Correct. But I didn't — I don't think they 2 were in that room. They were in a party. That's what 3 they were talking about. That's where the stage was was 4 in that party with the Prince band. 5 I didn't even know that — I mean, nobody said 6 anything about that room. I didn't know thar room 7 existed, you know what I mean? I didn't know there were 8 people in that room. I knew the room existed. 9 So when they said that, that's exactly — the 15 stage was in the ballroom so that's what I thought they 16 meant when they said up on the stage.  4 Q. Did he have a belt on? 4 A. I don't know. 6 Q. Okay. Where were his hands?  A. Around her, like around her neck and back, it 10 looked like. 9 A. Around her, like around her neck and bero hack? 10 A. Yeah, like tucked behind her, as if you were embracing someone while they're lying down. 11 Q. Anything else you remember about those two? 12 A. I arrived there I know around 12:50. And I 12 about 12:40, 12:45? 2 A. I arrived there I know around 12:50. And I 2 a point 1 don't think they 2 were in that r	
think people were sitting in them, so I didn't see any chairs on the one side facing the door. And I could just see the table had tons and tons of glasses and wine and bottles and booze.  Q. Well, you've seen the boardroom set up in various different ways, right?  A. Yes, but it's a stationary table like the one we're sitting at today. So it's not like you can break it apart. It's one big table.  Q. Well, you can make it into a U-shape.  Q. Well, you can make it into a U-shape.  A. They could, but it wasn't set up that way. It was set up with a table down the center of the room.  Q. Were people smoking in the room?  A. I don't think so, no. I didn't smell anything, so no.  Q. Did you talk to anyone else who had been in the boardroom that night prior to when you arrived at it at about 12:40, 12:45?  A. A. Correct. But I didn't – I don't think they were in that room. They were in a party. That's what they were talking about that's thore the stage was was in that party with the Prince band.  A. Correct. But I didn't – I don't think they were in that room. They were in a party. That's what they were talking about that room. I didn't know that room existed.  So when they said that, that's exactly – the stage was was in that party with the Prince band.  So when they said that, that's exactly – the stage was in the ballroom so that's what thought they meant when they said up on the stage.  Q. No one propositioned you in the room, did they?  A. A. No.  4 Q. And you were in the room for less than a minute?  A. A bott a minute I'd say, yeah.  4 A. Dou'n knew the roem sid back. A Around her, like around her neck and her bis groin, and his hands were behind her neck and her bis groin, and his hands were behind her neck and her bis groin, and his hands were behind her neck and her bis groin, and his hands were behind her neck and her bis groin, and his hands were behind her neck and her bis groin, and his hands were behind her neck and her bis groin, and his hands were behind her neck and her bis groin, and his hands were b	4 think people were sitting in them, so I didn't see any 5 5 chirirs on the one sitted facing the door. And I could just 5 5 chirirs on the one sitting in them, so I didn't see any 5 5 chiris on the one sitting in them, so I didn't see any 6 chirirs on the one sitting and hooze.  9 Q. Well, you've seen the beardroom set up in 9 various different ways, right?  10 A. Yes, but it's a stationary table like the one 1 we're sitting at today. So it's not like you can break 12 it apart. It's one big table.  11 A. They could, but it wasn't set up that way. It 15 was set up with a table down the center of the room.  12 A. Jost lying on the table.  13 Q. Well, you've seen the beardroom set up in 16 we're sitting at today. So it's not like you can break 17 it as a set up with a table down the center of the room.  14 Q. Were people smoking in the room?  15 A. Jost lying on the table.  16 Q. And where were his hands?  17 A. I don't kink so.  18 Q. Okay. So he was on her from his chin down to 18 is groin, and his hands were behind her neck and her 18 back?  19 A. Cord think so, no. I didn't see any 18 days and 19 back?  11 A. They could, but it wasn't set up that way. It 19 back?  12 A. Tarrived there I know around 12:50. And I 19 back?  13 A. On't think so, no. I didn't see any 19 back?  14 A. They could, but it wasn't set up that way. It 19 back?  15 A. Correct.  16 Q. Did you talk to anyone else who had been in the 19 back?  17 A. I don't kink so.  18 Q. Wany there were her hands?  18 A. Around her, like around her neck and back, it 19 looked like.  19 Q. Did you talk to anyone else who had been in the 19 back?  10 Look any the same of the behard wasn't set up that way. It 19 back?  11 A. Correct.  12 A. Tarrived there I had had been in the 19 looked like.  12 A. Yes.  12 A. Tarrived there I had had been in the 19 looked like.  12 Q. What look the door close and you walked downstains back down to the lounge?  12 A. Correct.  13 A. Correct.  14 D. A. Correct. But I didn't — I don't think they were talking about. That's wher	think people were sitting in them, so I didn't see any chairs on the one side facing the door. And I could just see the table had tons and tons of glasses and wine and bottles and booze.  Read Q. Well, you've seen the boardroom set up in various different ways, right?  A. Yes, but it's a stationary table like the one we're sitting at today. So it's not like you can break it apart. It's one big table.  Q. Well, you can make it into a U-shape.  A. They could, but it wasn't set up that way. It was set up with a table down the center of the room.  Q. Were people smoking in the room?  A. I don't think so, no. I didn't smell anything, so no.  Q. Did you talk to anyone else who had been in the boardroom that night prior to when you arrived at it at about 12:40, 12:45?  A. I arrived there I know around 12:50. And I never talked to anybody who had been in that room prior to going to that room.  Q. Well, besides Heather and Sunny?  A. Correct. But I didn't — I don't think they were in that room. They were in a party. That's what they were talking about. That's where the stage was was in that party with the Prince band.  A. Correct. But I didn't — I don't think they were talking about. That's where the stage was was in that party with the Prince band.  A. Correct. But I didn't how there were people in that room. I knew the room existed.  So when around her, like around her neck and back, it looked like.  Q. Okay. Where were his hands?  A. Around her, like around her neck and back, it looked like.  Q. Okay. So he was on her from his chin down to his groin, and his hands were behind her neck and her back?  A. Yeah, like tucked behind her, as if you were embracing someone while they're lying down.  Q. A. Not that I haven't already told you.  Q. Now, you let the door close and you walked downstairs back down to the lounge?  A. Yest, like tucked behind her, as if you were embracing someone while they're lying down.  Q. A. Yeah, like tucked behind her, as if you were embracing someone while they're lying down.  Q. Did you talk	
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So he was on her from his chin down to his groin, and his hands were behind her neck and her his groin, and his hands were behind her neck and her his groin, and his hands were behind her neck and her his groin, and his hands were behind her neck and her his groin, and his hands were behind her neck and her his groin, and his hands were behind her neck and her his groin, and his hands were behind her neck and her his groin, and his hands were behind her neck and her his groin, and his hands were behind her neck and her his groin, and his hands were behind her neck and her his groin, and his hands were behind her neck and her his groin, and his hands were behind her neck and her his groin, and his hands were behind her neck and her his groin, and his hands were behind her, as if you were embracing someone while they're lying down.	5 chairs on the one side facing the door. And I could just 6 see the table had tons and tons of glasses and wine and bottles and bocze.  Q. 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Well, besides Heather and Sunny?  A. Correct.  Q. Well, besides Heather and Sunny?  155  A. Correct, But I didn't — I don't think they were in that room. I flow the rhoom existed.  So when they said that, that's exactly—the stage was was in that party with the Prince band.  I didn't even know that — I mean, nobody said anything about that room. I didn't know that room existed, you know what I mean? I didn't know that room existed, you know what I mean? I didn't know there were people in that room. I knew the room existed.  So when they said that, that's exactly—the stage was was in the ballroom so that's what I thought they meant when they said up on the stage.  Q. Now, you let the door close and you walked downstairs back down to the lounge?  A. Yes.  Q. Did you talk to anyone — so you told them that they were in that room. I flom't think they are one other person but I don't remember who it was now.  I didn't even know that — I mean, nobody said anything about that room. 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But I didn't — I didn't know there were people in that room. I flidn't know there were people in that room. I know when I mean? I didn't know there were people in that toom. I know where one existed. 10 So when they said up on the stage. 11 A. No. 12 Q. And you were in the room for less than a minute? 13 A. No. 14 Q. And you were in the room for less than a minute? 15 A. About a minute I'd say, yeah. 16 (Recess taken between 1:32 p.m. and 1:48 p.m.) 17 Q. Q. What Sbands last name? 18 A. Yes.	6 see the table had tons and tons of glasses and wine and 7 bottles and booze. 8 Q. Well, you've seen the boardroom set up in 9 various different ways, right? 9 various different ways, right? 10 A. Yes, but it's a stationary table like the one we're sitting at today. So it's not like you can break 12 it apart. It's one big table. 13 Q. Well, you can make it into a U-shape. 14 A. They could, but it wasn't set up that way. It 15 was set up with a table down the center of the room. 16 Q. Were people smoking in the room? 17 A. I don't think so, no. I didn't smell anything, 18 so no. 19 Q. Did you talk to anyone else who had been in the 20 boardroom that night prior to when you arrived at it at about 12:40, 12:45? 22 A. I arrived there I know around 12:50. And I 23 never talked to anybody who had been in that to going to that room. 25 Q. Well, besides Heather and Sunny?  155  1 A. Correct. But I didn't — I don't think they were in that room. They were in a party. That's what they were talking about. That's where the stage was was in that party with the Prince band. 5 I didn't even know that — I mean, nobody said anything about that room. I didn't know there were people in that room. I flidn't know there were people in that room. I flidn't know there were people in that room. I knew the room existed. 9 So when they said that, that's exactly — the stage was in the ballroom so that's what I thought they meant when they said up on the stage.  6 Q. And where were his hands?  A. Around her, like around her neck and back, it 10 looked like. 11 dooked like. 12 Q. Okay. So he was on her from his chin down to 12 dooked like. 12 dooked like. 13 A. Yeah, like tucked behind her, as if you were 14 A. Yeah, like tucked behind her, as if you were 15 embracing someone while they're lying oden. 16 Q. Anything else you remember about those two? A. Not that I haven't already told you. 18 Q. Now, you let the door close and you walked 19 downstairs back down to the lounge? A. Sor I had to walk to anyone — so you told them that 18 the bar	
The strain of the stable of the strain of	7 A. Justlying on the table. 9 Q. Well, you've seen the boardroom set up in 9 various different ways, right? 10 A. Yes, but it's a stationary table like the one 11 we're sitting at today. So it's not like you can break 11 it apart. It's one big table. 12 Q. Well, you can make it into a U-shape. 13 Q. Well, you can make it into a U-shape. 14 A. They could, but it wasn't set up that way. It 15 was set up with a table down the center of the room. 16 Q. Were people smoking in the room? 17 A. I don't think so, no. I didn't smell anything, 18 so no. 19 Q. Did you talk to anyone else who had been in the 19 boardroom that night prior to when you arrived at it at 21 about 12:40, 12:45? 22 A. I arrived there I know around 12:50. And I 23 never talked to anybody who had been in that room to to going to that room. 25 Q. Well, besides Heather and Sumny?  155 1 A. Correct. But I didn't - I don't think they 2 were in that room. They were in a party. That's what 3 they were talking about. That's where the stage was was 4 in that parry with the Prince bund. 5 I didn't even know that - I mean, nobody said 6 anything about that room. I didn't know there were people in that room. They were in a party. That's what 5 I didn't even know that - I mean, nobody said 6 anything about that room. I didn't know there were people in that room. I knew the room existed. 9 So when they said that, that's exactly - the 10 stage was in the ballroom so that's what I thought they 11 meant when they said up on the stage. 12 Q. No one propositioned you in the room, did they? 13 A. No. 14 Q. And you were in the room for less than a minute? 15 break. 16 (Recess taken between 1:32 p.m. and 1:48 p.m.) 19 Q. (By Ms. Bischoff) Going back to Dale Nelson and 10 the blond, how tall was the table they were laying on? 21 A. I think it was this helght. About this height. 22 Q. General office table height? 23 A. Yes.	bottles and booze.  Q. Well, you've seen the boardroom set up in various different ways, right?  A. Yes, but it's a stationary table like the one we're sitting at today. So it's not like you can break it apart. It's one big table.  Q. Well, you can make it into a U-shape.  A. They could, but it wasn't set up that way. It was set up with a table down the center of the room.  Q. Were people smoking in the room?  A. I don't think so, no. I didn't smell anything, so no.  Q. Did you talk to anyone else who had been in the boardroom that night prior to when you arrived at it at about 12:40, 12:45?  A. I arrived there I know around 12:50. And I never talked to anybody who had been in that room prior to going to that room.  D. Well, besides Heather and Sunny?  A. Correct. But I didn't – I don't think they were in that room. They were in a party. That's what they were talking about. That's where the stage was was in the at party with the Prince band.  I didn't even know that – I mean, nobody said anything about that room. I didn't know that room existed, you know what I mean? I didn't know there were people in that room. I knew the room existed.  So when they said that, that's exactly – the stage was in the ballrooms of that's what I meant when they said up on the stage.  A. Just lying on the table.  Q. And where were his hands?  A. Around her, like around her neck and back, it looked like.  Q. Okay. So he was on her from his chin down to his groin, and his hands were behind her, as if you were emberds and her bias groin, and his hands were behind her, as if you were emberds and her bias groin, and his hands were behind her, as if you were embracing someone while they're lying down.  A. Yeah, like tucked behind her, as if you were embracing someone while they're lying down.  A. Not that I haven't already told you.  A. Orrect.  Q. And took the escalators down?  A. Yes.  Q. Did you talk to anyone — so you told them that they were in that room. They were in a party. That's what they were in that party wift fite Prince band	
8 Q. Well, you've seen the boardroom set up in yarious different ways, right? 10 A. Yes, but it's a stationary table like the one were sitting at today. So it's not like you can break it apart. It's one big table. 12 it apart. It's one big table. 13 Q. Well, you can make it into a U-shape. 14 A. They could, but it wasn't set up that way. It was set up with a table down the center of the room. 15 Q. Were people smoking in the room? 16 A. I don't think so, no. I didn't smell anything, so no. 17 A. I don't think so, no. I didn't smell anything, so no. 18 So no. 19 Q. Did you talk to anyone else who had been in the boardroom that night prior to when you arrived at it at about 12:40, 12:45? 20 A. I arrived there I know around 12:50. And I never talked to anybody who had been in that room prior to going to that room. 21 Q. Well, besides Heather and Sunny? 22 Were in that room. They were in a party. That's what they were talking about. That's where the stage was was in that party with the Prince band. 23 I didn't even know that — I mean, nobody said anything about that room. I didn't know that room existed, you know what I mean? I didn't know there were people in that room. I knew the room existed. 24 So when they said that, that's exactly — the stage was in the ballroom so that's what I thought they neart when they said that, that's exactly — the stage was in the ballroom so that's what I thought they neart when they said that, that's exactly — the stage was in the ballroom so that's what I thought they neart when they said that, that's exactly — the stage was in the ballroom so that's what I thought they neart when they said that, that's exactly — the stage was in the ballroom so that's what I thought they neart when they said that, that's exactly — the stage was in the ballroom so that's what I thought they neart when they said that, that's exactly — the stage was in the ballroom so that's what had some period to the walk into the lounge and now I'm 157  157  168  179  180  180  180  181  180  181  180  181  180  1	8 Q. And where were his hands? 9 various different ways, right? 10 A. 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I didn't know that room 2 existed, you know what I mean? I didn't know that room 3 on the balloroon so that's what I though they 3 near the help on so that's what I though they 4 near twhen they said up on the stage. 4 No none propositioned you in the room, did they? 4 A. No. 5 No that I haven't already told you. 6 Q. Did you talk to anybody who had been in that room the lounge? 7 A. I don't know. 7 So he was on her from his chin down to 8 D. Okay. So he was on her from his chin down to 16 have taked behind her, as if you were 16 contraction and the stage was and you walked 18 door close and you were 19 downstains back down to the lounge? 19 Q. Did you talk to anybody who had been in that room prior 19 Q. Well, besides Heather and Sunny? 10 A. Correct. 11 about 12:40, 12:45? 12 A. I arrived there I know waround 12:50. And I 15 on the ball room of the stage was was 16 in that party with the Prince band. 17 I see the ball wore the ball wore the ball wore the ball wore the ball wor	8 Q. 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That's where the stage was was 4 in that party with the Prince band. 5 I didn't even know that – I mean, nobody said 6 anything about that room. I didn't know that room 7 existed, you know what I mean? I didn't know that room 8 people in that room. I knew the room existed. 9 So when they said that, that's exactly – the 10 stage was in the ballrooms of that's what I thought they 11 meant when they said up on the stage.  8 Q. And where were his hands?  A. Around her, like around her neck and back, it 10 looked like. 12 looked like. 12 Q. Okay. So he was on her from his chin down to 12 his groin, and his hands were behind her neck and her 13 back?  A. Yeah, like trucked behind her, as if you were embracing someone while they're lying down. 14 A. Not that I haven't already told you. 15 Q. Now, you let the door close and you walked downstairs back down to the lounge? 24 A. Yes. 25 Q. Did you talk to anyone – so you told them that the bar was staying open? 25 A. So I had to walk into the lounge and now I'm 26 were talking about. That's what in the prince band. 27 A. So I had to walk into the lounge an	
9 various different ways, right? 10 A. Yes, but it's a stationary table like the one were sitting at today. So it's not like you can break it apart. It's one big table. 20. Well, you can make it into a U-shape. 31. A. They could, but it wasn't set up that way. It 32. Were people smoking in the room? 33. So no. 34. A. They could, but it wasn't set up that way. It 35. So no. 36. Q. Were people smoking in the room? 37. A. I don't think so, no. I didn't smell anything, 38. So no. 39. Q. Did you talk to anyone else who had been in the 39. boardroom that night prior to when you arrived at it at 40. a larrived there I know around 12:50. And I 41. a never talked to anybody who had been in that room prior 42. to going to that room. 43. They were talking about. That's whare the stage was was 44. in that party with the Prince band. 45. I didn't even know that — I mean, nobody said 46. anything about that room. I didn't know there were 47. people in that room. I didn't know there were 48. propositioned you in the room, did they? 49. No one propositioned you in the room, did they? 40. No. 41. Q. No one propositioned you in the room, did they? 41. A. About a minute I'd say, yeah. 41. A. Yeah, like tucked behind her, as if you were 41. A. Yeah, like tucked behind her, as if you were 41. A. Yeah, like tucked behind her, as if you were 41. A. Yeah, like tucked behind her, as if you were 44. A. Not that I haven't already told you. 45. No, Now, you let the door close and you walked 46. downstairs back down to the lounge? 48. A. Correct. 49. A. Correct. 40. And took the escalators down? 41. A. Yeah, like tucked behind her, as if you were 40. Anything else you remember about those twe? 41. A. Not that I haven't already told you. 41. Q. Now, you let the door close and you walked 42. downstairs back down to the lounge? 41. Correct. 42. Q. And took the escalators down? 42. Yes. 43. Yes. 44. Correct. 45. Q. Did you talk to anyone — so you told them that the ywere talking about that room. I didn't know there were people in that room. I	9	9 various different ways, right?  10 A. Yes, but it's a stationary table like the one we're sitting at today. So it's not like you can break it apart. It's one big table.  13 Q. Well, you can make it into a U-shape. 14 A. They could, but it wasn't set up that way. It 15 was set up with a table down the center of the room. 16 Q. Were people smoking in the room? 17 A. I don't think so, no. I didn't smell anything, 18 so no. 19 Q. Did you talk to anyone else who had been in the boardroom that night prior to when you arrived at it at about 12:40, 12:45; 22 A. I arrived there I know around 12:50. And I 23 never talked to anybody who had been in that room prior to going to that room. 24 to going to that room. 25 Q. Well, besides Heather and Sunny?  155  1 A. Correct. But I didn't – I don't think they 2 were in that room. They were in a party. That's what 3 they were talking about. That's where the stage was was in that party with the Prince band. 5 I didn't even know that – I mean, nobody said 6 anything about that room. I knew the room existed. 9 So when they said that, that's exactly – the 10 stage was in the ballroom so that's what I thought they 11 meant when they said up on the stage.  9 A. Around her, like around her neck and back, it 10 looked like. 12 his groin, and his hands were behind her neck and her back? 14 A. Yeah, like trucked behind her, as if you were embracing someone while they're lying down. 15 A. Not that I haven't already told you. 20. Now, you let the door close and you walked downstairs back down to the lounge? 24 A. Yes. 25 Q. Did you talk to anyone — so you told them that the bar was staying open? 25 A. So I had to walk into the lounge and now I'm 26 were talked to anything about. That's what in the prince band. 27 a vent right up by Dawn. She was working. It was now. 28 feeping the bar	
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Just 71 now because I think they started doing the whole 71 we've been closed, and then I must have had some strau 71 look on my face because Dawn said what went on up to	
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It was one other person but I don't remember who it was now.  3 At any rate, I said to Dawn, to Emma, we're  3 keeping the bar open, we're re-opening, so re-open right now because I think they're going to come down. Just re-open.  3 Well, but — and the	- 1
13 Dack?  A. They could, but it wasn't set up that way. It was set up with a table down the center of the room.  16 Q. Were people smoking in the room?  17 A. I don't think so, no. I didn't smell anything, so no.  18 so no.  Q. Did you talk to anyone else who had been in the lower from that night prior to when you arrived at it at about 12:40, 12:45?  20 A. I arrived there I know around 12:50. And I never talked to anybody who had been in that to going to that room.  21 do going to that room.  22 Q. Well, besides Heather and Sunny?  23 A. Correct. But I didn't – I don't think they were in that room. They were in a party. That's what they were talking about. That's where the stage was in that party with the Prince band.  24 I didn't even know that — I mean, nobody said anything about that room. I didn't know there were people in that room. I knew the room existed.  25 So when they said that, that's exactly — the stage was in the ballroom so that's what I thought they meant when they said up on the stage.  26 Q. No one propositioned you in the room, did they?  27 A. Correct.  28 A. Correct.  29 Well, besides Heather and Sunny?  16 A. Correct. But I didn't – I don't think they were in that room. I have were that stage was in that party with the Prince band.  29 I didn't even know that — I mean, nobody said anything about that room. I didn't know there were people in that room. I knew the room existed.  20 No one propositioned you in the room, did they?  31 A. No.  32 Q. No one propositioned you in the room, did they?  43 A. No.  44 Q. And you were in the room for less than a minute?  45 A. About a minute I'd say, yeah.  46 MS, BISCHOFF: Okay. Let's take a quick  47 break.  48 (Recess taken between I:32 p.m. and I:48 p.m.)  49 Q. (By Ms, Bischoff) Going back to Dale Nelson and  49 Q. (By Ms, Bischoff) Going back to Dale Nelson and  40 A. Correct.  41 A. Correct.  41 A. Correct. But I didn't who that room in the take the stage was was in that party with the Prince band.  41 I didn't even know that — I mean, nobody s	13 Q. Well, you can make it into a U-shape. 14 A. They could, but it wasn't set up that way. It 15 was set up with a table down the center of the room. 16 Q. Were people smoking in the room? 17 A. I don't think so, no. I didn't smell anything, 18 so no. 19 Q. Did you talk to anyone else who had been in the 20 boardroom that night prior to when you arrived at it at 21 about 12:40, 12:45? 22 A. I arrived there I know around 12:50. And I 23 never talked to anybody who had been in that room prior 24 to going to that room. 25 Q. Well, besides Heather and Sunny?  155 1 A. Correct, But I didn't — I don't think they 2 were in that room. They were in a party. That's what 3 they were talking about. That's where the stage was was 4 in that party with the Prince band. 5 I didn't even know that — I mean, nobody said 6 anything about that room. I didn't know that room 7 existed, you know what I mean, robody said 6 anything about that room. I didn't know that room 7 existed, you know what I mean, robody said 6 anything about that room. I didn't know there were 8 people in that room. I knew the room existed. 9 So when they said dup, on the stage. 10 Q. Now, you let the door close and you walked downstairs back down to the lounge? 11 A. Correct. 12 Q. And took the escalators down? 12 were right up by Dawn. She was working. I think Emma 13 was working. I know Kristin was working. I think Emma 14 they were talking about that room. 15 went right up by Dawn. She was working. I think Emma 15 was working. I know Kristin was working. I know Kristin was working. I know kristin was working. I know because I think they're going to come down. Just 16 vere limitation of the blond, how tall was the table they were laying on? 18 A. No. 19 Q. (By Ms. Bischoff) Going back to Dale Nelson and 10 the blond, how tall was the table they were laying on? 11 A. Think it was this height. About this height. 12 Q. General office table height? 13 A. Yes. 14 A. Yesa, Not that I haven't already told you. 25 A. Not that I haven't already told you. 26 A. Yesa	13	
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